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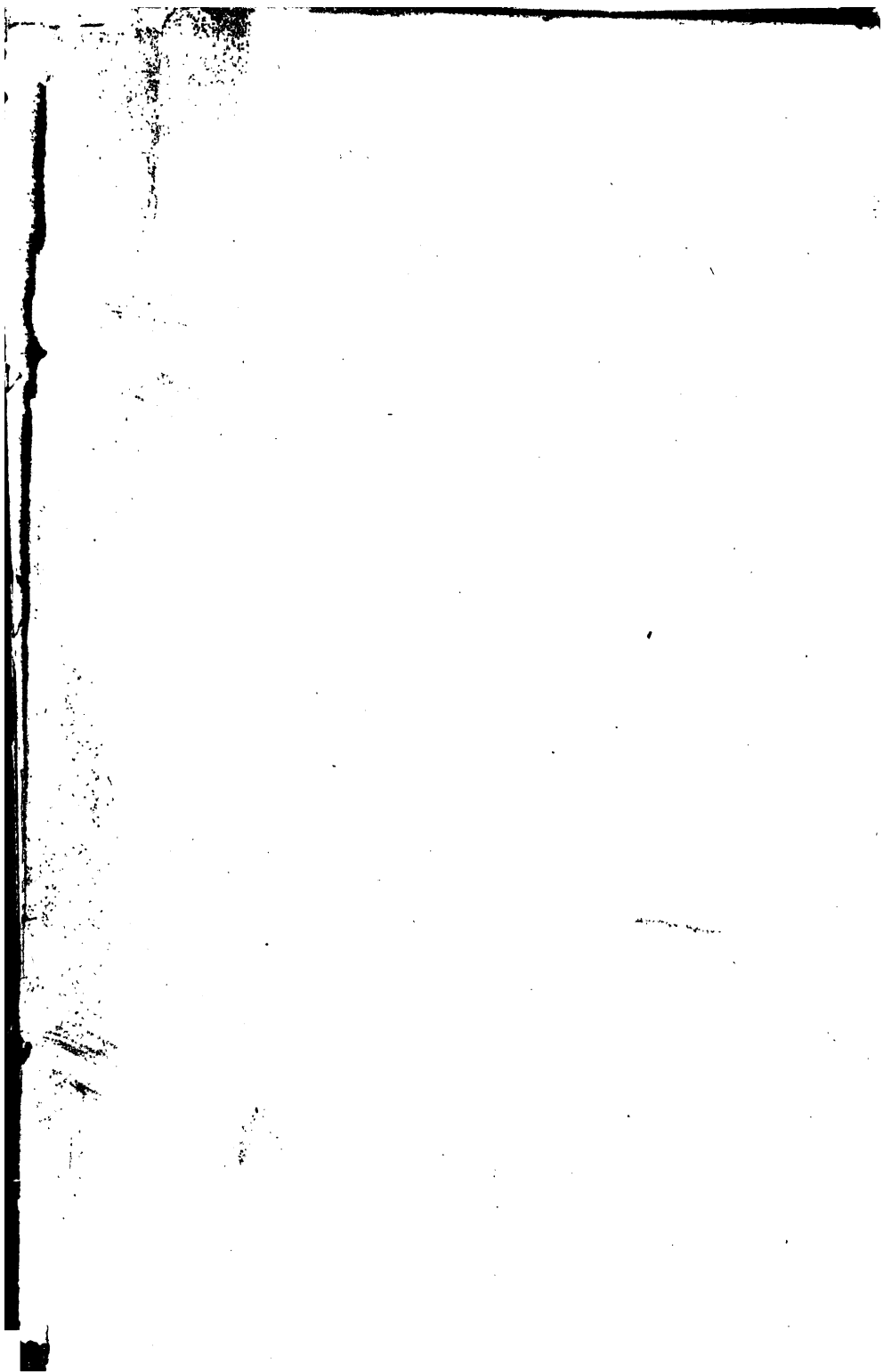
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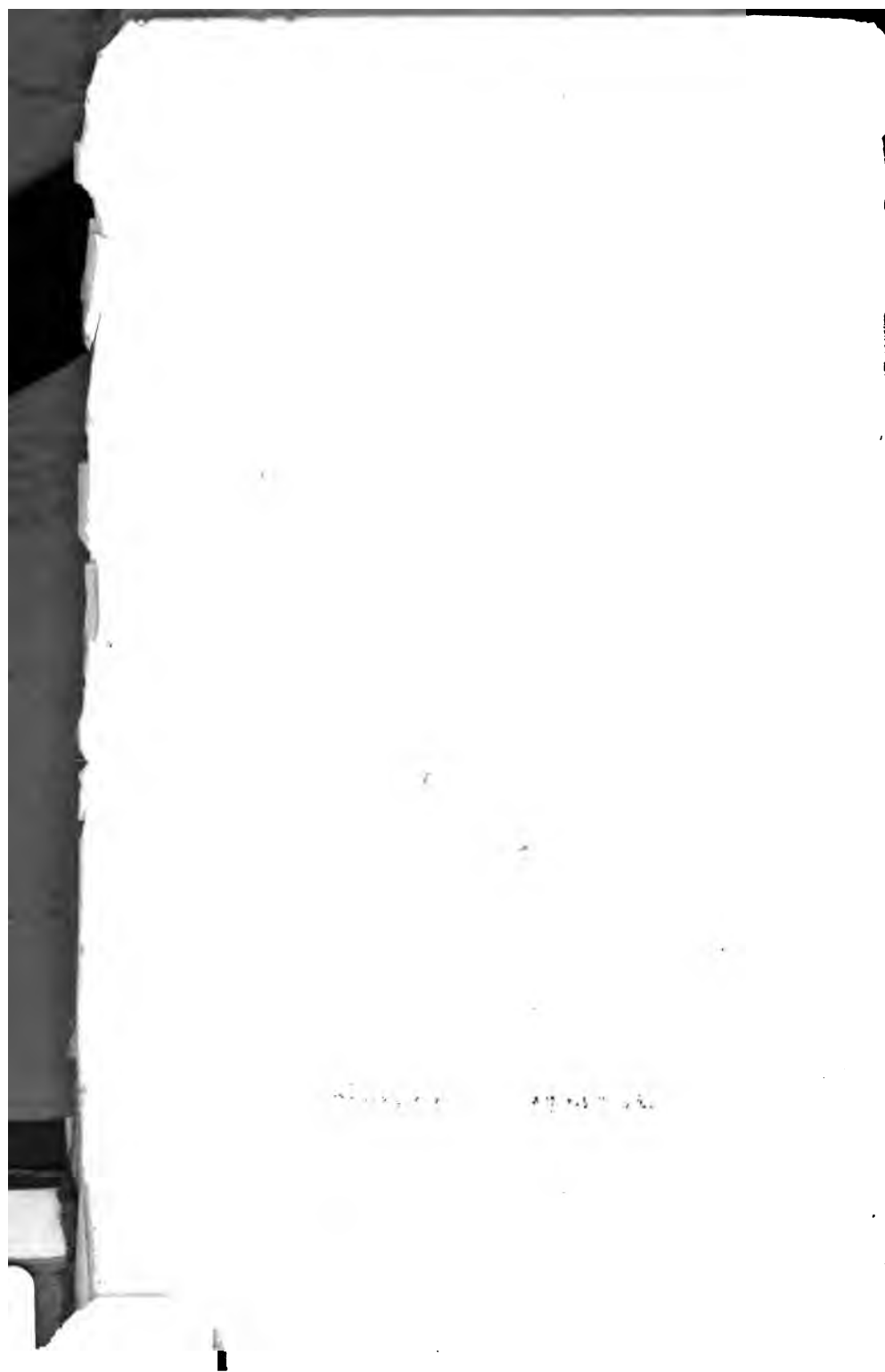
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# JOURNAL

OF

# THE SENATE

OF THE

TENTH REGULAR SESSION,

OF THE

LEGISLATIVE ASSEMBLY OF OREGON.

1878.



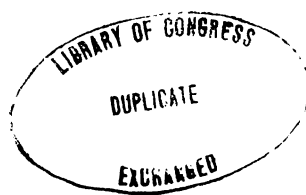
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## OFFICERS OF THE SENATE.

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1878.

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JOHN WHITEAKER.....*President.*

SYL. C. SIMPSON.....*Chief Clerk.*

J. W. BAKER.....*Assistant Clerk.*

MARTIN ANGEL.....*Sergeant-at-Arms.*

GEO. P. WREN.....*Door-keeper.*



## SENATE JOURNAL.

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SENATE CHAMBER,  
SALEM, OREGON,  
Monday, Sept. 9, 1878. }

On this the 9th day of September, 1878, pursuant to the provisions of the Constitution of the State of Oregon, the Senate of the Tenth Biennial Session of the Legislative Assembly met in the Senate Chamber at the hour of 11 o'clock A. M., and was called to order by Hon. John Whiteaker of Lane.

Mr. Whiteaker placed in nomination for President *pro tem*, Hon. A. G. Brown, of Coos.

A vote was taken and Mr. Brown was declared elected, and immediately took the Chair.

Mr. Myers placed in nomination for Chief Clerk *pro tem*, Syl. C. Simpson.

A vote was taken and Mr. Simpson was declared elected.

Mr. Burch placed in nomination for Assistant Clerk *pro tem*, J. W. Baker.

A vote was taken and Mr. Baker was declared elected.

Mr. Smith placed in nomination for Sergeant-at-Arms, *pro tem*, Mr. Martin Angel.

A vote was taken and Mr. Angel was declared elected.

Mr. Burnett placed in nomination for Door Keeper *pro tem*, Mr. G. P. Wren.

A vote was taken and Mr. Wren was declared elected.

Mr. Haley moved that the President appoint a committee of five on Credentials; which motion prevailed.

The President appointed as such committee Messrs. Haley, Myers, Cochran, George and Watt.

Mr. Myers moved that the Senate do now adjourn until 3 o'clock this afternoon; which motion prevailed.

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### AFTERNOON SESSION.

The Senate was called to order by the President *pro tem*.  
The Committee on Credentials submitted the following

#### REPORT:

*Mr. President*—Your Committee on Credentials having performed the duty assigned them, respectfully report that they find the following members present and entitled to seats. Those members holding over are:

From Coos and Curry Counties—A. G. Brown.

From Douglas County—James Applegate and G. W. Colvig.

From Benton and Polk Counties—J. S. Palmer.

From Clackamas County—John Myers.

From Josephine County—D. L. Green.

From Lane County—John Whiteaker.

From Linn County—S. D. Haley.

From Multnomah County—T. A. Davis and M. C. George.

From Polk County—L. Bently.

From Union County—M. Jasper.

From Wasco and Lake Counties—S. G. Thompson.

From Washington County—A. S. Watt.

From Yamhill County—E. C. Bradshaw.

Those presenting regular certificates are:

From Benton County—John Burnett.

From Baker County—I. D. Haines.

From Clatsop, Columbia and Tillamook Counties—C. W. Fulton.

From Clackamas County—J. T. Apperson.

From Jackson County—J. E. Ross.

From Lane County—R. B. Cochran.

From Linn County—J. H. Smith and W. R. Bilyeu.

From Multnomah County—Sol. Hirsch.

From Marion County—W. P. Lord, Wm. Waldo and J. W. Grim.

From Umatilla County—S. M. Pennington.

From Yamhill County—C. H. Burch.

Your committee further find from the returns in the office of the Secretary of State that Thomas Davidson has been elected and is entitled to a seat from Grant County. All of which is respectfully submitted.

S. D. HALEY,  
JOHN MYERS,  
R. B. COCHRAN,  
M. C. GEORGE,  
AHIO S. WATT.

Mr. Bradshaw moved that the report be adopted; which motion prevailed.

The President directed the Sergeant-at-Arms to invite the Secretary of State within the bar of the Senate to administer the oath of office to the newly elected Senators. Shortly after, Hon. R. P. Earhart, Secretary of State, appeared within the bar of the Senate and proceeded to administer the oath accordingly, and a copy thereof was subscribed by the Senators.

Mr. Palmer moved that the Senate now proceed to a per-

manent organization by the election of a President and other officers ; which motion prevailed.

Mr. Myers placed in nomination for President, Hon. John Whiteaker, of Lane ; Mr. Grim placed in nomination for President, Hon. M. C. George, of Multnomah. There being no further nominations the Senate proceeded to ballot with the following result:

Those voting for Mr. Whiteaker were :

Messrs. Bently, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, George, Green, Haines, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith and Thompson—18.

Those voting for Hon. M. C. George were :

Messrs. Apperson, Applegate, Colvig, Fulton, Grim, Hirsch, Lord, Waldo, Watt and Whiteaker—10.

Absent—Messrs. Bilyeu and Davidson—2.

Mr. Whiteaker having received a majority of all votes cast, was declared elected President.

Mr. George moved that the President *pro tem.* appoint a committee of two to conduct the President elect to the chair; which motion prevailed.

Messrs. George and Myers were appointed as such committee.

The committee performed the duty assigned them, and the President elect, upon taking the chair, briefly tendered his thanks for the honor conferred upon him.

The Secretary of State then appeared in the Senate Chamber and administered the oath of office to the President elect.

Nominations for Chief Clerk being declared next in order, Mr. Palmer nominated Syl. C. Simpson.

Mr. Waldo nominated Samuel Church.



There being no further nominations, a ballot was taken with the following result :

Those voting for Mr. Simpson, were :

Messrs. Bently, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davis, Green, Haines, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson and Mr. President—20.

Those voting for Mr. Church, were :

Messrs. Apperson, Applegate, Fulton, George, Grim, Hirsch, Lord, Waldo and Watt—9.

Absent—Mr. Davidson—1.

Mr. Simpson, having received a majority of all the votes cast, was declared duly elected Chief Clerk.

Nominations for Assistant Clerk being declared next in order, Mr. Burch nominated John W. Baker.

Mr. Watt nominated Clinton Latourette.

There being no further nominations, a ballot was taken with the following result :

Those voting for Mr. Baker were :

Messrs. Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Green, Haines, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson and Mr. President—19.

Those voting for Mr. Latourette were :

Messrs. Apperson, Applegate, Colvig, Fulton, George, Grim, Hirsch, Lord, Waldo and Watt—10.

Absent—Mr. Davidson—1.

Mr. Baker, having received a majority of all the votes cast, was declared duly elected Assistant Clerk.

The President declared the next business in order to be the election of a Sergeant-at-Arms.

Mr. Smith nominated for that office Martin Angel.

Mr. Lord nominated John W. Minto.

The Senate then proceeded to vote, with the following result:

Those voting for Mr. Angel were:

Messrs. Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Green, Haines, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson, and Mr. President—18.

Those voting for Mr. Minto were:

Messrs. Apperson, Applegate, Bentley, Colvig, Fulton, George, Grim, Hirsch, Lord, Waldo and Watt—11.

Absent—Mr. Davidson—1.

Mr. Angel having received a majority of all the votes cast was declared duly elected Sergeant-at-Arms.

The President declared the election of Door-keeper to be next in order.

Mr. Cochran nominated for that position George P. Wren.

Mr. Fulton nominated Peter Rooney.

The Senate then proceeded to vote with the following result:

Those voting for Mr. Wren were:

Messrs. Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Green, Haines, Haley, Jasper, Myers, Palmer, Pennington, Smith, Thompson and Mr. President—17.

Those voting for Mr. Rooney were:

Messrs. Apperson, Applegate, Bentley, Colvig, Fulton, George, Grim, Hirsch, Lord, Ross, Waldo and Watt—12.

Absent—Mr. Davidson—1.

Mr. Wren, having received a majority of all the votes cast, was declared duly elected Door-keeper.

By direction of the President, the Sergeant-at-Arms invited the Secretary of State within the bar, who administered the oath of office to the officers elect.

## JOURNAL OF THE SENATE.

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On motion of Mr. Apperson, the Clerk was directed to inform the House that the Senate had effected a permanent organization by the election of its officers.

Mr. Brown moved that when the Senate adjourns to meet to-morrow morning at eight o'clock.

Mr. Myers moved to amend the motion by striking "eight" and inserting "ten."

Mr. Brown accepted the amendment, and the motion amended prevailed.

On motion of Mr. Haines, the Senate adjourned.

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TUESDAY, SEPT. 10, 1878.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll being called, all the Senators were present except Messrs. Colvig and Davidson—2.

The Journal of yesterday was read and approved.

### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, OREGON, Sept. 9, 1878.

*Mr. President*—By order of the House I am directed to inform you that the House has effected a permanent organization by the election of officers as follows:

Speaker—Hon. J. M. Thompson.

Chief Clerk—W. L. White.

Assistant Clerk—L. F. Williams.

Sergeant-at-Arms—P. F. Castleman.

Door-keeper—W. H. Myers.

Very Respectfully,

W. L. WHITE.

Chief Clerk

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 1, as follows:  
*Resolved by the House the Senate concurring:*

That the Senate and the House meet in Joint Convention, in this Chamber, at the hour of 11 o'clock A. M. to-day, for the purpose of canvassing the vote for Governor.

And the same is herewith transmitted for your consideration.

W. L. WHITE,  
Chief Clerk.

Mr. Haines moved that the Senate concur in the adoption of H. J. R. No. 1; which motion prevailed.

The yeas and nays were taken with the following result:

Those voting yea were:

Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt, and Mr. President—29.

Nays—None.

Absent—1.

So the resolution was concurred in.

The President announced the appointment of Isaac Steinhiser and John Jennings as Pages.

The President directed the Sergeant-at-Arms to invite the Secretary of State to administer the oath of office to the newly appointed Pages.

The Secretary of State shortly after appeared within the Senate Chamber and administered the oath of office accordingly.

Mr. Brown offered S. J. R. No. 1; *Resolved*, That this body adopt the rules of the session of 1876 for its government, and that one hundred copies be printed for the use of the Senate.

Mr. Haines moved to adopt the resolution; which motion prevailed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted the accompanying H. J. R. No. 2, and Messrs. Thompson, Hewitt and Hendricks have been appointed as such committee on the part of the House, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 2, accompanying the foregoing message, was read.

Mr. Bradshaw moved that the Senate concur in the adoption thereof; prevailed.

Upon which question the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Billyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davis, Fulton, George, Green, Grim, Harris, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Davidson—1.

So the resolution was concurred in.

The President appointed as such committee on part of the Senate, Messrs. Haley and Hirsch.

Mr. Colvig offered S. R. No. 2:

## MESSAGE FROM THE HOUSE :

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 1, as follows :

*Resolved by the House the Senate concurring :*

That the Senate and the House meet in Joint Convention, in this Chamber, at the hour of 11 o'clock A. M. to-day, for the purpose of canvassing the vote for Governor.

And the same is herewith transmitted for your consideration.

W. L. WHITE,

Chief Clerk.

Mr. Haines moved that the Senate concur in the adoption of H. J. R. No. 1 ; which motion prevailed.

The yeas and nays were taken with the following result :

Those voting yea were :

Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt, and Mr. President—29.

Nays—None.

Absent—1.

So the resolution was concurred in.

The President announced the appointment of Isaac Steinhiser and John Jennings as Pages.

The President directed the Sergeant-at-Arms to invite the Secretary of State to administer the oath of office to the newly appointed Pages.

The Secretary of State shortly after appeared within the Senate Chamber and administered the oath of office accordingly.

Mr. Brown offered S. J. R. No. 1; *Resolved*, That this body adopt the rules of the session of 1876 for its government, and that one hundred copies be printed for the use of the Senate.

Mr. Haines moved to adopt the resolution; which motion prevailed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted the accompanying H. J. R. No. 2, and Messrs. Thompson, Hewitt and Hendricks have been appointed as such committee on the part of the House, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 2, accompanying the foregoing message, was read.

Mr. Bradshaw moved that the Senate concur in the adoption thereof; prevailed.

Upon which question the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Billyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davis, Fulton, George, Green, Grim, Harris, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Davidson—1.

So the resolution was concurred in.

The President appointed as such committee on part of the Senate, Messrs. Haley and Hirsch.

Mr. Colvig offered S. R. No. 2:

*Resolved*, That the reporters of the various newspapers of the State are hereby invited to occupy places within the bar of the Senate, and that the Sergeant-at-Arms be instructed to furnish them with necessary stationery.

Mr. Brown moved that the Senate adopt the resolution; which motion prevailed.

Mr. Cochran offered S. R. No. 3:

*Resolved*, That the Committees on Engrossments, Enrollments and Judiciary, when appointed, be empowered to select competent clerks for such committees to perform such clerical duties as may be necessary.

Mr. Cochran moved to adopt the resolution; which motion prevailed.

Mr. Haines moved that the Senate notify the House of the appointment of Pages; which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 3, and the same is herewith transmitted for your consideration.

W. L. WHITE,  
Chief Clerk.

House Joint Resolution, accompanying the foregoing message, was read, and Mr. Colvig moved that the Senate concur.

The yeas and nays were called with the following result:

Yeas—Messrs. Apperson, Applegate, Bently, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davis, Fulton, George, Green, Grim, Haines, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.



Nays—None.

Absent—Messrs. Davidson, Haley, Hirsch—3.

Mr. Haley, from the committee appointed to wait upon His Excellency, Governor S. F. Chadwick, reported that they had performed the duty assigned them, and that the Governor had informed them that he was ready to deliver his message at any time that the two Houses might designate.

Mr. Colvig offered S. C. R. No. 1;

*Be it Resolved by the Senate, the House concurring:*

That a committee of five be appointed, consisting of two on the part of the Senate and three on the part of the House, to examine into the management, care and keeping of the insane of this State for the past two years, and that they be instructed to report not later than the 16th day of September, 1878.

Mr. Watt moved to amend by adding after "1878:" "And to employ a Clerk and take testimony."

Pending which, Mr. Burnett moved to amend the amendment by striking out of the resolution the words "16th Sept." and inserting in lieu thereof the "—day of Oct."

The President ruled that the amendment was not properly an amendment to the amendment, and was therefore not in order; the vote was then taken on Mr. Watt's amendment, and it was adopted.

On motion of Mr. Burnett, the resolution was further amended by striking out the words "16th" day of Sept. and inserting in lieu thereof the words "25th" day of Sept.

Then, on motion of Mr. Myers, the resolution was laid on the table.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House is now ready to receive the Senate for the purpose of canvassing the vote for Govenor.

W. L. WHITE,  
Chief Clerk.

On the receipt of the above message, the Senate repaired to the hall of the House of Representatives to meet the House in

## JOINT CONVENTION

For the purpose therein mentioned.

The Joint Convention was called to order by the Speaker of the House, who stated the object of the convention to be to canvass the vote for Governor at the June election of 1878.

The roll was called and all the members of the two houses were present except Mr. Davidson of the Senate and Mr. Carter of the House.

In accordance with the provision of the Constitution of the State of Oregon the Speaker of the House proceeded to open and publish the vote for Governor in the presence of the two houses.

It was ascertained that at the June election of 1878 the votes cast for the respective candidates for Governor in the several counties were as follows :

## VOTE FOR GOVERNOR.

COUNTIES.	Thayer	Beekman	Wilkins
Baker .....	543	366	1
Benton .....	609	640	144
Clackamas .....	765	999	
Columbia .....	205	183	
Coos .....	536	561	
Curry .....	167	154	
Douglas .....	1106	1046	4
Grant .....	458	476	7
Jackson .....	746	713	146
Josephine .....	240	191	65
Lake .....	319	143	5
Lane .....	926	926	162
Linn .....	1420	1134	439
Marion .....	1212	1702	129
Multnomah .....	1808	2254	14
Polk .....	717	655	166
Tillamook .....	67	121	3
Umatilla .....	972	641	
Union .....	625	469	80
Wasco .....	863	623	7
Washington .....	553	748	4
Yamhill .....	832	867	2
Total .....	16201	16132	1431

W. W. Thayer's plurality over C. C. Beekman was 69 votes; plurality over Wilkins was 4,770. Whereupon, the Speaker declared that W. W. Thayer, having received the highest number of votes cast, was duly elected Governor of Oregon for the term of four years, dating from the date of his inauguration.

Mr. Haley moved that the Joint Convention do now dissolve; which motion prevailed, and the Senate returned to the Senate Chamber.

## IN THE SENATE.

The Senate was called to order by the President.

The roll being called, all the Senators were present except

Messrs. Burnett, Cochran, Davidson, Haines, Palmer and Thompson—6.

Mr. Colvig moved that the Senate do now adjourn; which motion prevailed.

#### AFTERNOON SESSION.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was called and Messrs. Bilyeu, Cochran, Colvig, Davidson, Fulton, Grim, Hirsch, Jasper and Thompson were absent.

The following message from the House was received and read :

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that Messrs. Gates, Hendricks, Thompson, Fountain and Stratton have been appointed on the part of the House to investigate the affairs of the State Penitentiary for the past two years.

W. L. WHITE,  
Chief Clerk.

The President appointed as committee on the part of the Senate, under said resolution, Messrs. Palmer, Haines and Colvig.

Mr. Haines, at his own request, was excused, and Mr. Bradshaw was appointed in his stead.

Mr. Brown offered the following resolution, and moved its adoption; S. R. No. 3 $\frac{1}{2}$ :

*Resolved*, That the Sergeant-at-Arms be instructed to fur-

nish each member with three newspapers, the members to make their own selection.

The resolution was adopted.

Mr. Myers offered S. C. R. No. 2 :

*Resolved by the Senate the House concurring :*

That a committee of five, two on the part of the Senate, and three on the part of the House, be appointed to wait on the Governor elect and inform him of his election, and to inquire of him when it will suit his convenience to appear before the two houses and take the oath of office.

On motion of Mr. Myers the resolution was adopted.

The President appointed as such committee on the part of the Senate, Messrs. Myers and Grim.

Mr. Hirsch offered S. R. No. 4;

*Resolved by the Senate,* That the Secretary of State be requested to furnish each Senator with \$5 worth of postage stamps and paper wrappers.

Mr. Hirsch moved the adoption of the resolution.

Mr. Myers moved to amend the resolution by striking out "\$5" and inserting "\$3;" which motion was lost.

The question then recurring on the motion to adopt, a vote was taken and the resolution was adopted.

Mr. Colvig offered S. C. R. No. 3:

*Be it Resolved by the Senate, the House concurring :*

That joint committee consisting of three on the part of the House and two on the part of the Senate be appointed to examine the fishing interests of this State, to see if the laws protecting fish are observed and to ascertain whether further legislation in that direction is necessary.

On motion of Mr. Colvig, the resolution was adopted.

The President appointed Messrs. Colvig and Bilyeu as the committee on the part of the Senate.

Mr. Hirsch submitted the following amendment to the Rules of the Senate:

I move that rule 4 be amended so as to read in first line: "Twenty standing committees;" and add after the words "A Committee on Public Buildings," the following: "A Committee on Rules, a Committee on the Revision of the Assessment Laws of the State."

The amendment was laid over under the rules.

Mr. Myers, from the committee appointed to wait on the Governor elect, and inform him of his election, etc., reported that they had performed that duty, and that the Governor elect stated that he would be ready to meet the two houses in joint convention at any time they might designate.

Mr. Burnett offered S. R. No. 5:

*Resolved*, That Rule 4 be amended by inserting after the word "each," in second line, the words "except the Committee on Judiciary, which shall consist of five members."

The resolution was laid over under the rules.

The following message from the House was received and read:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted the accompanying H. J. R.'s, Nos. 4 and 5, and that the Speaker has appointed Messrs. Galloway, Campbell and Stearns as committee on part of the House under H. J. R. No. 4.

The resolutions are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 4., accompanying the foregoing message, was read.

On motion of Mr. Hirsh, the resolution was laid on the table.

H. J. R. No. 5, also accompanying the message, was read.

Mr. Thompson moved that the Senate concur therein.

Pending which, on motion of Mr. Thompson, the resolution was amended by striking out "12th" and inserting "11th."

Mr. Hirsch moved to amend the resolution further by striking out "9 o'clock A. M." and inserting in lieu thereof, "2 o'clock P. M." Which motion was lost.

The question then recurring on the concurrence of the Senate in the resolution as amended, it was concurred in.

Mr. Colvig moved that when the Senate adjourn it adjourn to meet at 8:30 o'clock A. M. to-morrow; which motion prevailed.

Mr. Colvig moved that S. C. R. No. 1, for a joint committee to investigate the matter of the keeping of the insane, be taken from the table; which motion prevailed.

The question pending at the time the resolution was laid on the table was on its adoption as amended, and the President announced that to be the question before the Senate.

Pending which, Mr. Bilyeu offered as a substitute for the resolution, S. C. R. No. 4:

*Resolved by the Senate, the House concurring:*

That there be appointed a joint committee consisting of three on the part of the Senate and a like number on the part of the House, who shall visit and examine into the condition of the insane of this State, inquire into their care and treatment, and also as to the best methods of providing for them, to receive and consider propositions on this subject,

to employ a clerk and take testimony, and to report by bill or otherwise.

Mr. Watt moved that S. C. R. No. 4 be substituted for S. C. R. No. 1; which motion prevailed.

A vote was then taken, and S. C. R. No. 4 was adopted.

In accordance therewith, the President appointed as the committee on the part of the Senate, Messrs. Bilyeu, Watt and Ross.

On motion of Mr. Watt, the Senate adjourned.

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### WEDNESDAY, SEPT. 11, 1878.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Bentley, Bilyeu, Davidson, George, Haines, Hirsch, Lord, Myers, Palmer, Ross, Thompson—11.

The President announced that there was not a quorum present.

Shortly after, Mr. Myers appeared within the bar of the Senate, and the President announced a quorum present.

The Journal of yesterday was read and approved.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House concurs in the Senate amendment to H. J. R. No. 5, for a joint convention to receive the message of the Governor and the inaugural address of the Governor elect.

W. L. WHITE,  
Chief Clerk.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 1, relating to joint rules. The same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 1 was read and, on motion of Mr. Cochran, the Senate concurred therein, and the President appointed as committee on part of the Senate, Messrs. Cochran and George.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House concurs in S. C. R. No. 3, for a joint committee to examine into the fishing interests of this State; and that Messrs. Schroeder, Bewley and Cole have been nominated as the House committee under said resolution.

Also, that the House concurs in S. C. R. No. 2. Messrs. Galloway, Campbell and Stearns have been appointed as the committee on part of the House under said resolution.

The resolutions are herewith returned.

W. L. WHITE,  
Chief Clerk.

Mr. Brown moved that the Sergeant-at-Arms be directed to invite the clergy of this city to open the Senate with prayer on each morning; which motion prevailed.

Mr. Haley submitted the following communication:

SENATE CHAMBER,  
SALEM, Sept. 11, 1878. }

*Mr. President*—I now give notice that on to-morrow or

some subsequent day, I will introduce a bill for an act to prescribe the duties of County Assessors, and to repeal Title 3, of Chapter 57, and to amend Sections 38, 39 and 40, of Title 4 of said Chapter of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane.

Also, a bill for an act to amend an act to incorporate the City of Albany, approved October 24, 1864.

S. D. HALEY.

Mr. Colvig gave notice that on to-morrow, or some future day, he would introduce a bill to amend the Miscellaneous Laws of Oregon relating to mines.

Mr. Bradshaw gave notice that on to-morrow, or some future day, he would introduce a bill calling for a constitutional convention for the State of Oregon.

Also, a bill to create the office of Clerk of the Board of School Commissioners for the Sale of School Lands and the Management of the School Fund, and for his compensation.

Also, a bill to regulate interest on money and punish usury in the State of Oregon.

Also, a bill to repeal Section 9, Title 1, Chapter 1, of the Miscellaneous Laws of Oregon, approved October 2, 1864, in relation to the salary of Assistant Secretary of State; and also an act entitled an act to provide clerical aid to the Secretary of State, approved October 26, 1870; and also an act entitled an act to provide for work in State Department.

Also, a bill to create a separate Supreme Court for the State of Oregon.

Also, a bill to repeal the law entitled an act to provide for the traveling and incidental expenses of the Justices of the Supreme Court of the State of Oregon.

Mr. Burnett gave notice that on to-morrow, or some fu-

ture day, he would introduce a bill to amend Section 766 of Title 6 of the Code of Civil Procedure.

Mr. Burch gave notice that on to-morrow, or some future day, he would introduce a bill incorporating the town of Amity, in Yamhill County, Oregon.

Also, a bill amendatory of the law relating to Roads and Highways.

Also, a bill amendatory of the School Law.

Also, a bill amending Sections 1041 and 1042 of Title 8 of Chapter 14 of the Civil Code.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 11, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the hour having arrived for the two Houses to meet in joint convention, under H. J. R. No. 5, you are respectfully notified that the House is now ready to receive you.

Very respectfully,  
W. L. WHITE,  
Chief Clerk.

The President then announced that the Senate would now repair to the hall of the House of Representatives to meet the House in joint convention and receive the biennial message of the outgoing Governor, and the inaugural address of the Governor elect.

#### JOINT CONVENTION.

On arriving in the hall of the House of Representatives, the President of the Senate called the joint convention to order.

The roll was called and all the members were present except Messrs. Davidson, Fulton, Palmer and Thompson of the Senate, and Mr. Carter of the House.

Mr. Apperson moved that the President appoint a committee of three to wait upon His Excellency, Governor Chadwick, and also the newly elected Governor, and notify them that the joint convention was now ready to receive them; which motion prevailed.

The President appointed as such committee, Messrs. Apperson, White and Stratton.

Mr. Brown moved that the State officers be invited to seats within the bar; which motion prevailed.

Mr. Thompson moved that the Judges of the United States Courts and the Judges of the Supreme Court of the State of Oregon be invited to seats within the bar; which motion prevailed.

Mr. Myers moved that ex-Senators Kelly, Nesmith, Lane and Harding and Senator Mitchell be also invited to take seats inside the bar; which motion prevailed.

The committee appointed to wait upon the Governor returned to the hall, and through their chairman, Mr. Apperson, reported that they had performed the duty assigned to them, and that His Excellency, the Governor, was now in attendance and ready to deliver his biennial message.

Whereupon, the President of the Senate introduced His Excellency, the Governor, to the joint convention, who immediately proceeded to deliver his biennial message.

At the conclusion of the delivery of the message the President announced the next order of business to be the

#### INAUGURATION OF THE GOVERNOR ELECT.

Hon. R. P. Boise, Chief Justice of the Supreme Court of the State of Oregon, appeared within the bar of the joint convention and administered the oath of office to Hon. W. W. Thayer, the Governor elect. After which, the Governor

having been introduced to the joint convention by the President of the Senate, proceeded to deliver his inaugural address.

At the conclusion of the inaugural address, on motion of Mr. Haley, the joint convention dissolved, and the Senate returned to the Senate Chamber.

#### IN THE SENATE.

The Senate was called to order by the President.

The roll was called and all the Senators were present except Messrs. Burnett and Palmer.

Mr. Davis moved that the Secretary of State be invited within the bar to administer the oath of office to Mr. Davidson, the newly elected Senator from Grant; which motion prevailed.

The Secretary of State shortly after appeared within the bar of the Senate and administered the oath of office to the Senator elect.

On motion of Mr. Apperson, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was called and Messrs. Fulton, Palmer, Smith and Thompson were absent.

#### PROPOSITIONS AND MOTIONS.

Mr. Brown gave notice that on to-morrow, or some subsequent day, he would introduce a bill to amend the charter of the town of Marshfield.

Also, a bill to amend Section 43 and repeal Section 4 of the Common School law.

Also, a bill to create the office of Surveyor and Scaler of timber in the log.

Also, a bill to secure laborers a lien on personal property.

Mr. Colvig offered S. C. R. No. 5:

*Resolved by the Senate the House concurring:*

That a Joint Committee consisting of two from the Senate and a like number from the House be appointed to visit and examine the Institute for the Deaf and Dumb, ascertain if any, and if so, what legislation is necessary in aid of that charitable institution and report to the two Houses by bill or otherwise.

On motion of Mr. Colvig, the resolution was adopted.

In accordance therewith the President appointed as such committee on the part of the Senate, Messrs. Colvig and Davidson.

Mr. Apperson offered S. C. R. No. 6:

*Resolved by the Senate the House concurring:*

That a committee of three upon the part of the Senate, and a like number on the part of the House, be appointed to examine the books and accounts of the State Treasurer.

On motion of Mr. Apperson, the resolution was adopted.

In accordance therewith the President appointed as the committee on the part of the Senate, Messrs. Apperson, Smith and Burch.

Mr. Fulton gave notice that on to-morrow, or some subsequent day, he would introduce a bill defining the rights and fixing the liabilities of married women, and the relations between husband and wife.

Also, a bill defining the homestead, and exempting the same from execution.

Also, a bill for the protection of the fishing interests on the Columbia river and its tributaries.

Mr. Bilyeu gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to re-district the State of Oregon for judicial purposes, and to fix the time of holding Circuit Courts in the different counties in this State.

Mr. Watt offered S. J. R. No. 7;

*Resolved by the Senate, the House concurring:*

That the present Board of State Land Commissioners furnish at the earliest day convenient a detailed statement of the present condition of the several lands, swamp, school, university and other lands belonging to the State, and also of the funds derived from the sale of said lands.

On motion of Mr. Watt, the resolution was adopted.

#### INTRODUCTION AND FIRST READING OF BILLS.

Without previous notice, and by unanimous consent, Mr. Colvig introduced S. B. No. 1, a bill for an act to amend Section 20 of Title 1 of Chapter 7, of the Miscellaneous Laws; which was read a first time and passed to its second reading without a question.

Mr. Waldo, with unanimous consent, without previous notice, introduced S. B. No. 2, a bill for an act to amend Section 4 of Title 2 of Chapter 1, of the Code of Civil Procedure; which was read a first time and passed to its second reading without a question.

Mr. Fulton, by unanimous consent, without previous notice, introduced S. B. No. 3, a bill for an act to amend Section 4 of an act re-districting the State into senatorial and representative districts, and fixing the number of senators and representatives in the Legislative Assembly, approved October 19,

1872; which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. Bradshaw introduced S. B. No. 4, a bill for an act to prescribe the duties of the State Treasurer and the Governor, in certain respects; which was read a first time and passed to its second reading without a question.

By unanimous consent, also, and without previous notice, Mr. Bradshaw introduced S. B. No. 5, a bill for an act relating to and legalizing the elections of Justices of the Peace for Lafayette, Dayton, Amity, McMinnville and North Fork precincts in Yamhill County, Oregon; which was read a first time and passed to its second reading without a question.

Without previous notice, also, and by unanimous consent, Mr. George introduced S. B. No. 6, a bill for an act for the adjudication and payment of claims against the State of Oregon; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Fulton introduced S. B. No. 7, a bill for an act regulating salmon fisheries on the waters of the Columbia river and its tributaries; which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. George introduced S. B. No. 8, a bill to authorize the construction of a bridge over the Willamette river between the city of Portland and the city of East Portland, in Multnomah county, State of Oregon; which was read a first time and passed to its second reading without a question.

On request of Mr. George, by general consent, the bill was ordered not printed.



By unanimous consent, without previous notice, Mr. Lord introduced S. B. No. 9; a bill for an act to secure creditors a just division of estates of debtors who convey to assignees for the benefit of creditors; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Burnett introduced S. B. No. 10; a bill to provide for short hand reporters for the several Courts of this State; which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. Hirsch introduced S. B. No. 11, a bill for an act to create the office of Fish Commissioner for the Columbia river, to license the taking of salmon in the Columbia river and its tributaries, and to encourage the establishment of hatching houses on the waters of the Columbia river for the propagation of salmon; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Lord introduced S. B. No. 12, a bill for an act to promote medical science; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Bradshaw introduced S. B. No. 13, a bill for an act to incorporate the town of Lafayette in Yamhill County, Oregon; which was read a first time and passed to its second reading without a question.

On request of Mr. Bradshaw, by general consent, the bill was ordered not printed.

Without previous notice, and by unanimous consent, Mr. George introduced S. B. No. 14, a bill to amend an act entitled "An act to establish a uniform course of public instruc-

tion in the common schools of this State," approved October 29, 1872; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Hirsch introduced S. B. No. 15, a bill for an act to amend Section 148, Title 15, Chapter 1 of the General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, relating to attachments; which was read a first time and passed to its second reading without a question.

The following message from the House was received and read:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 11, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 4, for a joint committee to examine into the condition of the insane, etc.; and that Messrs. Hewett, Green and Starkweather have been appointed a committee on the part of the House under said C. R.; and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

By unanimous consent, without previous notice, Mr. Hirsch introduced S. B. No. 16, a bill for an act to amend Sections 4, 5 and 17, of the Code of Civil Procedure of Oregon; which was read a first time and passed to its second reading without a question.

On motion, of Mr. Davis, the Senate adjourned.

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THURSDAY, SEPT. 12, 1878.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bilyeu, Davidson, Haines and Palmer—4.

Prayer was offered by Rev. J. C. Baker, of the Baptist Church of this city.

The journal of yesterday was read, corrected and approved.

Mr. Hirsch moved to take from the table the amendment to the rules offered by himself on Tuesday; which motion prevailed.

Mr. Hirsch then moved the adoption of the amendment; pending which, Mr. Hirsch asked and obtained leave to amend the amendment by striking out "twenty" and inserting "nineteen," and also striking out the words "a Committee on Rules."

The amendment as amended was then adopted.

Mr. Burnett moved to take S. R. No. 5 from the table; which motion prevailed.

On motion of Mr. Burnett, the resolution was adopted.

Mr. Haley, in accordance with previous notice, introduced S. B. No. 17, a bill for an act to prescribe the duties of County Assessors, and to repeal title 3 of chapter 57, and to amend sections 38, 39 and 40 of title 4 of said chapter of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

Mr. Aaley moved that 200 copies of S. B. No. 17 be printed, which motion prevailed.

Mr. Haley, in accordance with previous notice, introduced S. B. No. 18, a bill for an act to amend an act entitled "an act to incorporate the City of Albany," approved October 24, 1864; which was read a first time and passed to its second reading without a question.

Mr. Haley asked that the bill be not printed; there being no objection the request was granted.

Mr. Watt, without previous notice, by unanimous consent, introduced S. B. No. 19, a bill for an act to more clearly define the duties of County Assessors, and to provide for the appointment of Deputy County Assessors, which was read a first time and passed to its second reading without a question.

Mr. Apperson moved that 200 copies of S. B. No. 19 be printed; which motion prevailed.

In pursuance of previous notice, Mr. Brown introduced S. B. No. 20, a bill for an act to amend Section 17 of an act to provide liens of mechanics' labors, material men, and others, and prescribing the manner of their enforcement, approved October 28, 1874; which was read a first time and passed to its second reading without a question.

Mr. Myers, without previous notice, and by unanimous consent, introduced S. B. No. 21, a bill for an act empowering the State Treasurer to redeem certain outstanding bonds of this State; which was read a first time and passed to its second reading without a question.

Mr. Colvig, without previous notice, and by consent of the Senate, introduced S. B. No. 22, a bill for an act entitled an act to amend Sections 166 and 167 of Chapter 16 of Title 1 of the Code of Civil Procedure, as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

Mr. Fulton, in pursuance of notice, introduced S. B. No. 23, a bill for an act defining the rights and fixing the liabilities of married women and the relations between husband and wife; which was read a first time and passed to its second reading without a question.

Mr. Brown, in pursuance of notice, introduced S. B. No. 24, a bill for an act to amend Section 43 of an act to establish a uniform course of public instruction in the common schools of this State, approved October 29, 1872; which was read a first time and passed to its second reading without a question.

Mr. Burch, in pursuance of notice, introduced S. B. No. 25, a bill for an act to amend Sections 1041 and 1042 of Title 8 of the Civil Code; which was read a first time and passed to its second reading without a question.

Mr. George, by unanimous consent, introduced S. B. No. 26, a bill for an act to amend Section 3 of Chapter 64 of Miscellaneous Laws of Oregon, as published in the General Laws of Oregon in 1874; which was read a first time and passed to its second reading without a question.

Mr. Palmer, without previous notice, and by the consent of the Senate, introduced S. B. No. 27, a bill for an act to provide for the election of Supreme and Circuit Judges in distinct classes; which was read a first time and passed to its second reading without a question.

MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 11, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 2, requesting report of the School Land Commissioners in reference to common school and university lands.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 2, accompanying the foregoing message was read; Mr. Apperson moved that the Senate concur, pending

which, on motion of Mr. Bradshaw, the resolution was laid on the table.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 12, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 3, creating a joint committee on mileage of each member of the Legislative Assembly, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 3, accompanying the foregoing message was read, and Mr. Colvig moved that the Senate concur, which motion prevailed.

The President appointed as committee under said resolution Messrs. Smith and Waldo.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 11, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 5 and 6; and that Messrs. Gilbert and Chandler have been appointed on the part of the House, under S. C. R. No. 4, for a joint committee to visit Mute School; and that Messrs. Galloway, Stearns and Grant have been appointed on committee on part of the House, under S. C. R. No. 6, for a joint committee to examine the books of State Treasurer; also, the House concurs in S. C. R. No. 7, requiring the commissioners to ascertain the condition of the different State lands, etc.; and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Bilyeu, without previous notice, and by unanimous consent, introduced S. B. No. 28, a bill for an act to amend Section 1121, Title 4, Chapter 15, of the Code of Civil Procedure, of the State of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, and relating to conveyances executed, executors and administrators; which was read a first time and passed to its second reading without a question.

The President announced the appointment of the following standing committees:

On Judiciary—Messrs. Burnett, Haines, Bradshaw, Lord and George.

On Ways and Means—Messrs. Cochran, Pennington and Watt.

On Elections—Messrs. Haley, Burch and Waldo.

On Claims—Messrs. Smith, Davidson and Grim.

On Corporations—Messrs. Bilyeu, Jasper and Hirsch.

On Counties—Messrs. Bradshaw, Thompson and Fulton.

On Military—Messrs. Ross, Brown and Apperson.

On Commerce—Messrs. Davis, Brown and Fulton.

On Education—Messrs. Brown, Palmer and Colvig.

On Engrossments—Messrs. Myers, Smith and Applegate.

On Enrollments—Messrs. Palmer, Thompson and Hirsch.

On Roads and Highways—Messrs. Green, Bentley and Colvig.

On Public Lands—Messrs. Thompson, Haines and Grim.

On Federal Relations—Messrs. Bentley, Apperson and Waldo.

On Mining—Messrs. Davidson, Green and Pennington.

On Printing—Messrs. Cochran, George and Myers.

On Railroads—Messrs. Jasper, Haley and Watt.

On Public Buildings—Messrs. Haines, Ross and Lord.

On motion of Mr. Hirsch, the Senate adjourned.

## AFTERNOON SESSION.

The Senate met at the usual hour and was called to order by the President.

The roll was called, and Messrs. Burnett and Hirsch were absent.

## INTRODUCTION AND FIRST READING OF BILLS.

Without previous notice, by unanimous consent, Mr. Waldo introduced S. B. No. 29, a bill for an act to amend Section 386 of Chapter 5 of the Code of Civil Procedure of the General Laws of Oregon, relating to suits in equity; which was read a first time and passed to its second reading without a question.

Pursuant to previous notice Mr. Fulton introduced S. B. No. 30, a bill for an act to regulate and define the homestead and to exempt the same from judicial sale; which was read a first time and passed to its second reading without a question.

Pursuant to notice, Mr. Brown introduced S. B. No. 31, a bill for an act to regulate the measurement and survey of lumber in the log and affix the compensation therefor; which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. George introduced S. B. No. 32, a bill for an act to amend section 986 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. Thompson introduced S. B. No. 33, a bill for an act to amend Section 669, Chapter 8 of the Criminal Code of



Oregon, relating to crimes against public policy; which was read a first time and passed to its second reading without a question.

Pursuant to notice, Mr. Brown introduced S. B. No. 34, a bill for an act, amendatory of, and supplemental to, an act entitled an act to incorporate the town of Marshfield, approved October 24, A. D., 1874; which was read a first time and passed to its second reading without a question.

On request of Mr. Brown, by general consent, the bill was ordered not printed.

Without previous notice, by unanimous consent, Mr. George introduced S. B. No. 35, a bill for an act to cede jurisdiction to the U. S. over certain land condemned for use in the construction of a canal around the Cascades of the Columbia river, Oregon; which was read a first time and passed to its second reading without a question.

Mr. George moved that the rules be suspended and that the bill be read a second time by title now; upon which question the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—30.

Nays—None.

So that the rules were suspended and the bill was read a second time by title.

On motion of Mr. George, it was referred to the Committee on Federal Relations.

By unanimous consent, without previous notice, Mr. Watt introduced S. B. No. 36, a bill for an act to amend Sections

12 and 37 of Chapter 4 of the Miscellaneous Laws of the Code of A. D. 1872, in relation to common schools in the State of Oregon; which was read a first time and passed to its second reading without a question.

Pursuant to notice, Mr. Bradshaw introduced S. B. No. 37, a bill for an act to repeal Sections 8 and 9, Title 1, Chapter 1, Miscellaneous Laws of Oregon, providing for the appointment of Assistant Secretary of State and fixing his salary, approved October 2, 1864; and also, an act entitled "An act to provide clerical aid to the Secretary of State, approved October 26, 1870; and also, an act entitled "An act to provide for work in the State Department," approved October 22, 1872, and being Sections 24 and 25, Title 2, Chapter 1 of the Miscellaneous Laws of Oregon; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Hirsch introduced S. B. No. 38, a bill for an act to amend Section 8 of Title 1 of Chapter 6 of the Miscellaneous Laws of Oregon, relating to conveyances of real property, as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

Mr. Smith, by unanimous consent, and without previous notice, introduced S. B. No. 39, a bill to amend Section 1121 of Title 6 of Chapter 15 of the Code of Civil Procedure of the General Laws of Oregon, relating to conveyances by executors and administrators, as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Myers introduced S. B. No. 40, a bill for an act to repeal Sections

4 and 5 of Title 1 of Chapter 14 of the Miscellaneous Laws of Oregon, relating to making and posting notices of elections, as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Hirsch introduced S. B. No. 41, a bill for an act to repeal Section 776 of an act entitled "An Act to provide a Code of Civil Procedure," approved October 11, 1862; which was read a first time and passed to its second reading without a question.

Mr. Hirsch, also, by unanimous consent and without previous notice, introduced S. B. No. 42, a bill for an act to amend Section 218 of an act entitled "An act to provide a Code of Criminal Procedure, and to define crimes and their punishment," approved Oct. 11, 1864; which was read a first time and passed to its second reading without a question.

Mr. Myers, without previous notice, by unanimous consent, introduced S. B. No. 43, a bill to amend Section 16 of Title 3 of Chapter 57 of the Miscellaneous Laws of Oregon, relating to "assessments of property, and the levy and collection of taxes," as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Bradshaw introduced S. B. No. 44, a bill for an act to repeal an act entitled "an act providing for the traveling and incidental expenses and compensation of the Justices of the Supreme and Circuit Courts of the State of Oregon," approved Oct. 17, 1872; which was read a first time and passed to its second reading without a question.

Mr. Myers, without previous notice, by unanimous con-

sent, introduced S. B. No. 45, a bill for an act to amend Section 28, subdivision 3, of General Laws relating to the duties of State Treasurer; was read a first time and passed to its second reading without a question.

Pursuant to notice, Mr. Burnett introduced S. B. No. 46, a bill for an act to amend Section 766 of Title 7 of the Code of Civil Procedure, approved October 11, 1862; which was read a first time and passed to its second reading without a question.

#### SECOND READING OF BILLS.

S. B. No. 1, a bill for an act to amend Section 20 of Title 1 of Chapter 7 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane; was read a second time, and on motion of Mr. Colvig, was referred to the Committee on Railroads.

S. B. No. 2, a bill for an act to amend Section 4 of Title 2 of Chapter 1 of the Code of Civil Procedure; was read a second time, and on motion of Mr. Waldo, was referred to the Committee on Judiciary.

By general consent, Mr. Palmer, from the Committee on Enrolled Bills, reported that Mr. Charles Whiteaker had been appointed Enrolling Clerk of the Senate.

Mr. Myers, from Committee on Engrossed Bills, reported that Mr. C. F. Beattie had been appointed Engrossing Clerk.

S. B. No. 8, a bill for an act to authorize the construction of a bridge over the Willamette river between the City of Portland and the City of East Portland, in Multnomah County, State of Oregon; was read a second time, and, on motion of Mr. George, was referred to the Committee on Commerce.

S. B. No. 13, a bill for an act to incorporate the town of Lafayette, in Yamhill County, Oregon; being on its second

reading, Mr. Bradshaw moved that the rules be suspended and that the bill be read a second time by title.

Upon which motion, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President.—30.

Nays—None.

So the rules were suspended and the bill was read a second time by title.

Mr. Haines moved that the bill be considered engrossed and ordered read a third time to-morrow.

Pending which, on motion of Mr. Hirsch, the bill was referred to a select committee consisting of Senators from Yamhill county.

#### OTHER BUSINESS OF THE SENATE.

Mr. Colvig offered S. R. No. 6 :

*Resolved*, That there be a committee of three appointed whose duty it shall be to segregate and refer the late Governor's message.

Mr. Colvig moved to adopt the resolution; which motion was lost.

Mr. Thompson offered S. J. R. No. 1 :

*Be it Resolved by the Senate, the House concurring:*

That a special committee of two on the part of the Senate and three on the part of the House, be appointed to take into consideration that portion of the retiring Governor's message which relates to the Indian wars in Eastern Oregon for the years 1877 and 1878, and receive and audit all claims against the State growing out of said wars, with privilege of

sending for persons and papers; and said committee are hereby required to report their proceedings, together with amounts allowed witnesses and other expenses, to the present Legislature, by bill or otherwise, as early during the present session as possible.

Mr. Thompson moved to adopt the resolution; pending which, Mr. Myers moved to refer to Committee on Federal Relations; which motion prevailed.

Mr. Colvig offered S. R. No. 7:

*Resolved*, That Hon. Lafayette Lane be invited and allowed to occupy a seat within the bar of the Senate at all sittings of the same during the present session.

Mr. Colvig moved that the resolution be adopted; which motion prevailed.

Mr. Hirsch offered S. R. No. 8:

WHEREAS, The Legislative Assembly, in the year 1870, passed an act for the issuance of the bonds of this State in aid of the construction of the locks at the falls of the Willamette river, which act was approved October 21, 1870; and

WHEREAS, Section 5, of said act, provides that "issuance and payment of said bonds shall be made upon express condition that said corporation shall pay to the State of Oregon ten per centum of the net profits arising from tolls collected for passing freights and passengers through said canal and locks, which sum of ten per centum of net profits, shall be paid into the common school fund of this State; and

WHEREAS, The said corporation have, since January 1874, failed to pay into the common school fund any money as provided in the above stated section; and

WHEREAS, A large amount of money has been paid by the Treasury Department on the said lock bonds, notwithstanding

ing the fact that the said company has failed to pay to the State the required amount of money ; Therefore be it

*Resolved*, By the Senate, that the President appoint a committee of three Senators, who shall investigate the same and ascertain the facts thereof and report by bill or otherwise, and that said committee have power to send for persons or papers.

Mr. Hirsch moved to adopt the resolution ; which motion prevailed.

Mr. Bilyeu offered S. C. R. No. 8 :

*Resolved by the Senate, the House concurring:*

That a Joint Committee, composed of two from the Senate and two from the House, be appointed to examine into the condition of the Capitol building, estimate the probable cost of putting said building in a proper state of preservation, and to report by bill or otherwise as soon as practicable.

Mr. Bilyeu moved that the Senate adopt the resolution ; which motion prevailed.

Mr. George moved that the Senate order 150 copies of the Senate Standing Committees printed ; which motion prevailed.

Mr. Colvig offered S. R. No. 9 :

*Resolved*, That a committee of three be appointed to separate and segregate the incoming Governor's message as soon as the same be printed, and to refer the same to the proper committees.

On motion of Mr. Colvig, the resolution was adopted.

Mr. George offered S. C. R. No. 9 :

*Resolved by the Senate the House concurring:*

That there be added to the committee authorized by Senate Concurrent Resolution No. 4, two members, one on the part of the Senate and one on the part of the House.

Mr. George moved to adopt the resolution ; which motion prevailed.

In accordance with the above S. C. R. No. 9, the President appointed Mr. Haines as a member of such committee.

Mr. Haines offered S. R. No. 10 :

*Resolved*, That 500 copies of the message of Governor W. W. Thayer be ordered printed for the use of the Senate.

And on motion of Mr. Haines, the resolution was adopted.

Mr. Haines offered S. R. No. 11 :

*Resolved*, That 500 copies of ex-Governor S. F. Chadwick's message be ordered printed for the use of the Senate.

Mr. Palmer moved that the Senate adopt the resolution; which motion prevailed.

On motion of Mr. Thompson, the Senate adjourned.

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#### FRIDAY, SEPT. 13, 1878.

The Senate met at the usual hour and was called to order by the President.

The roll was called, and all the members were present except Messrs. Palmer, Pennington and Waldo.

Prayer was offered by Rev. Mr. Bower, of the Evangelical Church of this city.

The journal of yesterday was read and approved.

The President announced the appointment of the following committees :

Standing Committee on Revision of the Assessment Laws of the State—Messrs. Haines, Burnett and Watt.

Committee on the part of the Senate under S. C. R. No. 8, for a joint committee to examine into the condition of the Capitol Building—Messrs. Bilyeu, Jasper and Applegate.



Committee under S. R. No. 8, raising a committee to investigate the matter of the payment by the Canal and Locks Company of ten per centum of its net profits—Messrs. Hirsch, Smith and Davidson.

Committee under S. R. No. 9, providing for the segregation and reference of the inaugural address of Gov. Thayer—Messrs. Colvig, Green and Pennington.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Davis presented a memorial from the Portland Board of Trade, praying the enactment of certain laws for the protection of the fishing interests of the State.

On motion of Mr. Haines, the memorial was referred to the Committee on Commerce.

#### REPORTS OF STANDING COMMITTEES.

Mr. Bentley, from the Committee on Federal Relations, to whom was referred S. B. No. 35, a bill for an act to cede jurisdiction to the U. S. over certain lands condemned for use in the construction of a canal around the Cascades of the Columbia River, Oregon; submitted the following

#### REPORT:

*Mr. President*—Your Committee on Federal Relations to whom was referred S. B. No. 35, have had the same under consideration, and have instructed me to report it back to the Senate recommending its passage without amendment.

Respectfully submitted,

L. BENTLEY,  
Chairman.

#### REPORTS OF SELECT COMMITTEES.

Mr. Bradshaw, from the Select Committee, to whom was referred S. B. No. 13, a bill for an act to incorporate the

town of Lafayette, in Yamhill county, Oregon, submitted the following

REPORT:

SENATE CHAMBER,  
Sept. 13, 1878. }

*Mr. President*—Your Select Committee, to whom was referred S. B. No. 13, have had the same under consideration and beg leave to report the same back, with the recommendation that it do pass. Respectfully submitted,

E. C. BRADSHAW,

C. H. BURCH.

Select Committee.

Mr. Cochran, from the Joint Committee on Joint Rules, submitted the following

REPORT:

*Mr. President*—Your Committee on Joint Rules for the government of the two Houses, would recommend the adoption of the joint rules of the session of 1876, and that 100 copies be printed for the use of the Senate.

R. B. COCHRAN,

M. C. GEORGE,

Committee on Joint Rules.

Mr. Cochran moved that the report be adopted.

Mr. Apperson moved to amend the report by striking out "one hundred" and inserting "fifty."

Pending which, on motion of Mr. Watt, the report was referred to the Committee on Printing.

PROPOSITIONS AND MOTIONS.

Mr. Burch offered S. C. R. No. 10:

*Resolved by the Senate, the House concurring:*

That the committee appointed under S. C. R. No. 6, to ex-

amine the accounts of the late State Treasurer be, and they are hereby authorized, if, in their judgment deemed necessary, to employ an efficient clerk to aid them in the examination of said Treasurer's accounts.

On motion of Mr. Burch the resolution was adopted.

Mr. Hirsch offered the following amendment to the rules of the Senate: I move that Rule 4 be amended by adding the following: "There shall also be appointed a Committee on Rules, consisting of two Senators; and the President of the Senate shall be chairman of said committee." The amendment was laid over under the rules.

On motion of Mr. Myers, it was ordered that the officers of the Senate be furnished with postage stamps, stationery, etc., the same as members.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Colvig, without previous notice and by unanimous consent, introduced S. B. No. 47, a bill for an act entitled "an act to amend Section 1 of Chapter 38 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane; which was read a first time and passed to its second reading without a question.

Mr. Bilyen, by unanimous consent, and without previous notice, introduced S. B. No. 48, a bill for an act to provide for the payment of the claims arising out of the Indian war of 1878; which was read a first time and passed to its second reading without a question.

Mr. Brown, by unanimous consent, and without previous notice, introduced S. B. No. 49, a bill for an act entitled "an act to provide for the erection of a State Hospital Building for the insane; which was read a first time and passed to its second reading without a question.

Br. Bradshaw, in accordance with previous notice, introduced S. B. No. 50, a bill to provide for a convention to frame a new constitution of this State; which was read a first time and passed to its second reading without a question.

Mr. Colvig moved that the Senate order 200 copies of S. B. No. 50 printed; which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, OREGON, Sept. 13, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 8, for a joint committee to examine into the condition of Capitol building; and that the Speaker has appointed Messrs. Reed and Dorris a committee on the part of the House; and the resolution is herewith returned to the Senate.

W. L. WHITE.

Chief Clerk.

Mr. Pennington offered S. R. No. 12:

WHEREAS, Since the last session of this body, a late member and respected Senator,

**C. L. JEWELL,**

Of Umatilla County, has been by the brutal hand of the Indian savage called from his earthly home and friends to that celestial home above, where the Supreme Architect presides; therefore, be it

*Resolved by the Senate,* That in the death of C. L. Jewell his State and county have lost an esteemed and worthy citizen.

*Resolved,* That as a token of respect to the deceased Sena-

tor, when the Senate adjourn it stand adjourned until 2 o'clock, p. m., on Monday next, and that these resolutions be spread upon the Journal and a copy sent to his family.

Mr. Colvig moved that the resolution be adopted; which motion prevailed.

On motion of Mr. Hirsch, the Senate adjourned.

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MONDAY, SEPT. 16, 1878.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Davidson, George and Watt—3.

Prayer was offered by Rev. J. T. Chambers, of the Episcopal Church of this city.

Journal of Friday was read, corrected and approved.

COMMUNICATIONS.

STATE OF OREGON,  
OFFICE OF STATE LAND COMMISSIONERS,  
SALEM, Oregon, Sept. 13, 1878. }

*To the Honorable, the Senate and House of Representatives:*

GENTLEMEN—In compliance with Resolution No. 7, calling upon the Board of Land Commissioners for statement showing the condition of the Land Department, etc., I have the honor to State that the report of the Board was handed to the State Printer on the first day of September, to be printed and placed before your Honorable bodies. I trust that the document will be ready within a few days for your examination.

Respectfully yours,

T. H. CANN,  
Clerk of the Board.

Also, a communication was received from Hon. W. W. Chapman, inviting the Senate to be present at the Opera House at half-past three o'clock to-day to hear an address on the subject of railroads, to be delivered by himself.

On request of Mr. Hirsch, and by unanimous consent of the Senate, the amendment offered by him on Tuesday last, to the rules of the Senate, was taken up for consideration.

The motion to amend, having been duly seconded, was then put to a vote and lost.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Bentley, without previous notice, and by unanimous consent, introduced S. B. No. 51, a bill for an act to facilitate and regulate the transportation of logs, lumber, timber and other floatables on the rivers of this State and their tributaries; which was read a first time and passed to its second reading without a question.

Mr. Ross, without previous notice, and by unanimous consent, introduced S. B. No. 52, a bill for an act to amend Sections 1 and 4 of Chapter 61 of Miscellaneous Laws of Oregon; which was read a first time and passed to its second reading without a question.

Mr. Grim, without previous notice, and by unanimous consent, introduced S. B. No. 53, a bill for an act to amend an act passed by the Legislature of the State of Oregon, Sept. 9, 1874, to incorporate the town of Gervais, in Marion county, State of Oregon.

Mr. Bradshaw moved that the rules be suspended and the bill be read a first time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Lord, Myers, Palmer,

Pennington, Ross, Thompson, Waldo and Mr. President—24.

Nays—Messrs. Colvig and Smith—2.

Absent—Messrs. Davidson, George and Watt—3.

Excused from voting—Mr. Jasper—1.

So the rules were suspended and the bill was read a first time by title.

Mr. Grim moved that the rules be further suspended and the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo and Mr. President—22.

Nays—Messrs. Apperson, Applegate, Cochran, Colvig and Smith—5.

Absent—Messrs. Davidson, George and Watt—3.

So the rules were suspended and the bill was read a second time by title.

On motion of Mr. Grim, the bill was referred to the Committee on Corporations.

Mr. Myers, without previous notice, by unanimous consent, introduced S. B. No. 54, a bill for an act to authorize State warrants drawn upon swamp land funds to be received in payment for the purchase of swamp lands; which was read first time and passed to its second reading without a question.

Pursuant to notice, Mr. Bradshaw introduced S. B. No. 55, a bill for an act to create the office of Clerk of the Board of Commissioners for the sale of School and University lands, and the management of funds arising therefrom; which was read a first time and passed to its second reading without a question.

## SECOND READING OF BILLS.

S. B. No. 3, a bill for an act to amend Section 4 of an act redistricting the State into senatorial and representative districts, and fixing the number of senators and representatives in the Legislative Assembly, approved October 19, 1872, was read a second time.

On motion of Mr. Bradshaw, the bill was referred to the Committee on Elections.

By general consent, the following House messages were received and read :

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 13, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 4, to provide for a joint committee to investigate the State printing, etc.

Messrs. Galloway and Stratton have been appointed as such committee on part of the House; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 13, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House concurs in S. C. R. No. 9, providing for an additional member from each House to visit the insane, etc., under S. C. R. No. 4.

The resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 13, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 5, creating a joint committee of the two Houses to report upon the advisability of a change in the Constitution in reference to public printing.

Messrs. Tyson and Townsend have been appointed such committee on part of the House; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 5, accompanying the foregoing message, was read.

On motion of Mr. Myers, the resolution was concurred in.

In accordance therewith, the President appointed as the committee on the part of the Senate, Messrs. Smith and Lord.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 13, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House concurs in S. C. R. No. 10, authorizing committee on examination of Treasurer's accounts to employ a clerk, and the resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

On motion of Mr. Colvig, the Senate adjourned.

TUESDAY, SEPT. 17, 1878.

The Senate was called to order by the President at the hour fixed by the rules.

The roll was called, and all the Senators were present except Mr. Palmer.

Prayer was offered by Rev. Mr. Hill, of this city.

The journal of yesterday was read and approved.

SECOND READING OF BILLS.

S. B. No. 4, a bill for an act to prescribe the duties of the State Treasurer and the Governor in certain respects, was read a second time.

Mr. Bradshaw moved that the bill be referred to the Committee on Ways and Means; which motion prevailed.

S. B. No. 5, a bill for an act relating to and legalizing the elections of Justices of the Peace for the precincts of Lafayette, Dayton, Amity, McMinnville and North Fork, in Yamhill County, Oregon, was read a second time, and on motion of Mr. Burch, was referred to the Committee on Judiciary.

S. B. No. 5, a bill for an act for the adjudication of and payment of claims against the State of Oregon, was read a second time, and on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 7, a bill for an act regulating salmon fisheries on the waters of the Columbia River and its tributaries, was read a second time, and on motion of Mr. Fulton, was referred to the Committee on Commerce.

S. B. No. 9, a bill for an act to secure creditors a just division of estates of debtors who convey to assignees for the benefit of creditors, was read a second time, and on motion of Mr. Lord, was referred to the Committee on Judiciary.

S. B. No. 10, a bill to provide for short-hand reporters for the several courts of this State, was read a second time, and on motion of Mr. Burnett, was referred to the Committee on Judiciary.

S. B. No. 11, a bill for an act to create the office of Fish Commissioner, to license the taking of salmon in the Columbia River and its tributaries, and to encourage the establishing of hatching houses on the waters of the Columbia River and the propagation of salmon, being on its second reading, Mr. Myers moved that the rules be suspended and the bill be read by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt, and Mr. President—30.

Nays—None.

So the rules were suspended and the bill was read a second time by title.

Mr. Hirsch moved to refer the bill to the Committee on Commerce; which motion prevailed.

S. B. No. 12, a bill for an act to promote medical science, was read a second time, and on motion of Mr. Lord, was referred to the Committee on Judiciary.

S. B. No. 14, a bill to amend an act entitled an act to establish a uniform course of public instruction in the common schools of this State, was read a second time.

Mr. Watt moved to amend the bill by striking out the word "male," in Section 43; which motion prevailed.

Mr. George moved that the bill be referred to the Committee on Education; which motion prevailed.

S. B. No. 15, a bill for an act to amend Section 148, Title

15, Chapter 1, of the General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, relating to attachments, was read a second time, and, on motion of Mr. Hirsch, the bill was referred to the Committee on Judiciary.

S. B. No. 16, a bill for an act to amend Sections 4, 5 and 17 of the Code of Civil Procedure, coming up on its second reading, the Clerk began to read, and, by unanimous consent, the further reading of the bill was dispensed with, owing to the fact that the same had not been printed.

#### BALLOTING FOR UNITED STATES SENATOR.

Mr. Haines moved that the Senate now proceed to ballot for United States Senator, for the term of six years from the fourth of March next, in accordance with the act of Congress approved July 25th, 1866; which motion prevailed.

The President then stated that nominations for United States Senator would now be in order.

Mr. Haines nominated J. H. Slater.

Mr. Colvig nominated L. L. Rowland.

Mr. Fulton nominated W. D. Hare.

Mr. Ross nominated H. Kelly.

Mr. Lord nominated N. B. Knight.

Mr. Hirsch nominated J. N. Dolph.

There being no other nominations, the Senate proceeded to vote with the following result:

Those voting for Mr. Slater were: Messrs. Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Haines, Haley, Jasper, Myers, Palmer, Pennington, Smith, Thompson and Mr. President—18.

Those voting for Mr. Rowland were: Messrs. Applegate and Colvig—2.

Those voting for Mr. Hare were: Messrs. Fulton and George—2.

Those voting for Mr. Kelly were: Messrs. Bentley and Ross—2.

Those voting for Mr. Knight were: Messrs. Grim, Lord and Waldo—3.

Those voting for Mr. Dolph were: Messrs. Apperson and Hirsch—2.

Mr. Watt voted for Jesse Applegate—1.

Hon. James H. Slater, having received a majority of all the votes cast, the President declared him to be the choice of the Senate for United States Senator, for the term of 6 years from the 4th of March next.

By unanimous consent, Mr. Palmer offered S. C. R. No. 11:

*Resolved by the Senate the House concurring:*

That the committee to investigate the condition of the Penitentiary, and the accounts of the Superintendent of the same, be authorized to employ a competent clerk or book-keeper.

Mr. Palmer moved that the resolution be adopted; which motion prevailed.

#### SECOND READING OF BILLS.

S. B. No. 18, a bill for an act to amend an act entitled an act to incorporate the City of Albany, approved October 24, 1864, being on its second reading, Mr. Haley moved to suspend the rules and read the bill by title; upon which question the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—30.

Nays—None.

So the rules were suspended and the bill was read a second time by title.

Mr. Haley moved that the bill be referred to a select committee consisting of the Senators from Linn County; which motion prevailed.

S. B. No. 34, a bill for an act amendatory of and supplemental to an act entitled an act to incorporate the town of Marshfield, approved October 24, A. D. 1874; being on its second reading, Mr. Brown moved that the rules be suspended and the bill be read a second time by title.

Upon which question, the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Absent—Mr. Palmer—1.

So the rules were suspended, and the bill was read a second time by title.

Mr. Brown moved that the bill be referred to the Committee on Corporations; which motion prevailed.

Mr. Colvig moved to adjourn; which motion prevailed.

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#### AFTERNOON SESSION.

The Senate met at the usual hour for afternoon session, and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Hirsch and Palmer.

## BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

H. C. R. No. 4, providing for a joint committee to investigate State printing, was on the table, having been received from the House on yesterday. On motion of Mr. Smith, the resolution was concurred in.

In accordance therewith, the President appointed Mr. Haley as the committee on the part of the Senate.

S. B. No. 35, a bill for an act to cede jurisdiction to the U. S. over certain lands condemned for use in the construction of a canal around the Cascades of the Columbia River, Oregon, having been reported from the Committee on Federal Relations on the 12th inst., with the recommendation that it pass, was on the table.

On motion of Mr. George, the bill was ordered engrossed for a third reading to-morrow.

S. B. No. 13, a bill for an act to incorporate the town of Lafayette in Yamhill County, Oregon, having been heretofore reported from the Select Committee, to whom it was referred with the recommendation that it pass, was on the table.

On motion, of Mr. Bradshaw, the bill was ordered engrossed for a third reading to-morrow.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Fulton presented a petition of citizens of Clatsop and Tillamook counties asking aid for the construction of a wagon Road from Holladay's summer house, in Clatsop County, to the landing on the North Fork of the Nehalem river, in Tillamook County.

On motion of Mr. Fulton, the petition was referred to the Committee on Roads and Highways.

Mr. Haines presented a petition from certain citizens of Baker County, asking for the adjustment and payment of certain claims for services rendered by volunteers in the late Indian war.

On request of Mr. Haines, the petition was informally laid over for the present.

REPORTS FROM STANDING COMMITTEES.

Mr. Bentley, from the Committee on Federal Relations, to whom was referred S. J. R. No. 1, providing for a joint committee on Indian war claims, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 17, 1878. }

*Mr. President*—Your Committee on Federal Relations, to whom was referred S. J. R. No. 1, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it pass without amendment.

Respectfully submitted,

L. BENTLEY,

Chairman.

The President announced the question before the Senate to be on the motion to adopt S. J. R. No. 1, which was pending at the time the resolution was offered; upon which question the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—27.

Nays—Messrs. George and Watt—2.



Absent—Mr. Palmer—1.

So the resolution was adopted.

The President appointed as the Senate committee under said resolution, Messrs. Thompson and Lord.

Mr. Burnett, from the Judiciary Committee, reported that Mr. V. R. Hyde had been appointed Clerk of said committee, and had duly taken the oath of office.

#### PROPOSITIONS AND MOTIONS.

Mr. Myers offered S. C. R. No. 12:

*Resolved by the Senate, the House concurring:*

That a committee of five be appointed, two from the Senate, and three from the House, to examine the books and papers of the Board of Canal Commissioners, with a view to ascertain the expense to the State by reason of the creation of said Board of Canal Commissioners, and also to inquire into the efficiency and utility of said Board, and to report by bill or otherwise.

On motion of Mr. Myers, the resolution was adopted.

The President appointed Messrs. Myers and George as said committee on the part of the Senate.

Mr. Brown offered S. C. R. No. 13:

*Resolved by the Senate the House concurring:*

That a committee of two on the part of the Senate and three on the part of the House be appointed to visit the State University at Eugene City, and inquire into the management of the institution and report the same.

On motion of Mr. Brown the resolution was adopted.

The President appointed thereunder Messrs. Brown and Fulton as the committee on the part of the Senate.

Mr. Burnett offered S. J. M. No. 1:

*To the Honorable Senate of the United States:*

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent :

That the continued immigration, or rather, importation of coolie slaves, or Chinese laborers, to this State, is a violation of treaty stipulations which provide that such immigration shall be voluntary, and is a very serious injury to the laboring classes, not only of our State but of the entire Pacific coast, by the reduction of wages to starvation prices.

That such importation of said Chinese and other Asiatic slave labor tends to drive white and all other free labor out of our country and ultimately compel all who subsist by manual labor to the alternative of choosing between starvation and crime.

That at least seventy-five per cent of all the earnings of said Chinese or coolie labor instead of being in our midst, and thus contributing to our prosperity, is sent to China never to return, thus withdrawing the coin from our country and rapidly decreasing our circulating medium, to the great injury of the best interests of this State and of the entire Pacific coast.

That such Chinese laborers do not contribute to the wealth and prosperity of the country by the acquisition of property and the payment of taxes, but by pauperism and crime are a continual source of expense to the country and municipalities of this State.

That the treaty of 1868, between the United States and China, known as the Burlingame Treaty, has never been maintained on the part of China in accordance with its intent and meaning. The right of free emigration and immigration which it recognizes, was to be entirely voluntary and to be exercised in view of expatriation. The Chinese have no

right to be admitted under the circumstances in which they come here. They are usually brought in hordes in a condition of semi-slavery and obligated to perform a term of servitude. The privilege accorded to the contracting parties was upon condition that the immigration to either country by the citizens or subjects of the other, should be a voluntary, individual act. China has wholly failed to have that consideration observed, and the United States ought to revoke the privilege.

Therefore, we, your said memorialists, pray your honorable body to modify the treaty between the United States and the Empire of China so as to stop and prohibit the importation or immigration of Chinese and other Asiatic laborers to this coast.

On motion, of Mr. Burnett, the memorial was referred to the Committee on Commerce.

Mr. Burnett offered S. J. M. No. 2 :

*To the Senate and House of Representatives of the United States of America :*

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent :

That between Point Reyes and Puget Sound, on the Pacific Coast, a distance of more than six hundred miles, there is no harbor that a vessel can enter during a heavy storm ; that the great loss of life and property, caused by destructive gales for years past, and especially during the last preceding year, together with the rapid increase of our trade and commerce, demonstrate the absolute necessity of a harbor of refuge on our coast.

That the surveys made during the present year of different points on the coast, under an act of Congress, will, in the judgment of your memorialists, establish the fact that

Cape Foulweather, on the western boundary of Benton County, Oregon, is the most available and suitable point at which to build a break-water for the purpose of constructing such harbor of refuge. The favorable location having a fine first-class light house to the North and third-class light to the South, defining its position clearly in the stormiest weather; the superior natural advantages, the abundance of rock and all kinds of material near at hand, make Cape Foulweather one of the most economical and available points on the North Pacific Coast, embraced within the latitude mentioned for a place of refuge for shipping during the storms that prevail for so many mouths on this coast.

Whereupon, your memorialists pray that an appropriation may be made to construct a harbor of refuge at said point, and that all the aid be given it by the government of the United States, by appropriations or otherwise, that can be by it bestowed on such objects; and our Representatives and Senators in Congress be requested to use all proper efforts to obtain an appropriation of an amount of money necessary to be applied in building a break-water at Cape Foulweather, for the protection of the lives and property of those engaged in commerce on the high seas; and your memorialists will ever pray.

On motion of Mr. Burnett, the joint memorial was referred to the Committee on Commerce.

Mr. Myers offered S. C. R. No. 14:

*Resolved by the Senate the House concurring:*

That a committee of five be appointed, two from the Senate and three from the House, to inquire into and examine the amount of work done in the office of State Superintendent of Public Instruction, and also inquire as to the number of State Diplomas and State Certificates which have been

given, and inquire if all who have obtained the same have obtained them as the law requires, and make a report of the facts to the two Houses at an early day.

On motion of Mr. Myers, the resolution was adopted.

The following message from the House was received and read :

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 11, to authorize the employment of a clerk by the committee on the condition of the Penitentiary ; and the resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Brown, without previous notice, and by unanimous consent, introduced S. B. No. 56, a bill for the relief of John Flanagan, which was read a first time and passed to its second reading without a question.

Mr. George, without previous notice, and by unanimous consent, introduced S. B. No. 57, a bill for an act to provide for equal and uniform taxation and for the equalization of State taxation among the several counties of this State, which was read a first time and passed to its second reading without a question.

Mr. Fulton, without previous notice, and by unanimous consent, introduced S. B. No. 58, a bill for an act to amend Section 700 of Chapter 8 of Title 2 of the Criminal Code of the State of Oregon, as compiled by Matthew P. Deady and

Lafayette Lane, which was read a first time and passed to its second reading without a question.

Mr. Bradshaw, without previous notice, and by unanimous consent, introduced S. B. No. 59, a bill to provide for the aid of internal improvements in the State of Oregon, and to provide a fund therefor; which was read a first time and passed to its second reading without a question.

Mr. Burnett, without previous notice, and by unanimous consent, introduced S. B. No. 60, a bill for an act to amend Section 28 of Title 3, Chapter 1, of the Miscellaneous Laws of Oregon, approved June 2, 1859; which was read a first time and passed to its second reading without a question.

Mr. George, without previous notice, and by unanimous consent, introduced S. B. No. 61, a bill for an act to amend Sections 155 and 273 of Code of Civil Procedure of the State of Oregon, which was read a first time and passed to its second reading without a question.

Mr. Apperson, without previous notice, and by unanimous consent, introduced S. B. No. 62, a bill to amend Section 16 of Title 3 of Chapter 57 of the Miscellaneous Laws of Oregon, relating to assessments of property and the levy and collection of taxes, as compiled by Matthew P. Deady and Lafayette Lane, which was read a first time and passed to its second reading without a question.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption by the Senate of S. J. R. No. 1, for a joint committee on Indian war claims, and that Messrs Ramsby, Grant and Everts have been appointed as such joint committee on part of the

House, and the joint resolution is herewith returned to the Senate for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the house has concurred in S. C. R. No. 13, for a committee to examine the University at Eugene City and report the same, and that Messrs Purdin, Reed and White have been appointed on part of the House as such joint committee, and the resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

Under S. C. R. No. 14, for a committee to investigate the affairs of the office of the Superintendent of Public Instruction, this day adopted, the President appointed as such committee on part of the Senate, Messrs. Myers and Jasper.

Mr. Burnett moved to adjourn; which motion prevailed.

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WEDNESDAY, SEPT. 18, 1878.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was called and all the Senators were present.

Prayer was offered by Rev. P. S. Knight of this city.

The journal of yesterday was read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Myers, Chairman of the Committee on Engrossments, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 18, 1878. }

*Mr. President*—Your Committee on Engrossed Bills beg leave to report Senate bills No. 13 and 35 correctly engrossed.

JOHN MYERS,  
Chairman.

Mr. Bilyeu, Chairman of the committee to whom was referred S. B. No. 53, a bill for an act to amend an act passed by the Legislature of the State of Oregon, October 9, 1874, to incorporate the town of Gervais, in Marion County, State of Oregon, submitted the following

## REPORT:

*Mr. President*—Your committee to whom was referred S. B. No. 53, beg leave to report that they have had said bill under consideration, and recommend that the same do pass, with the following amendments:

Amendment 1st—Strike out all of the second line and the first word of the third line of Section 10.

Amendment 2d—Strike out all of Section 17, after the tenth line.

W. R. BILYEU,  
Chairman.

Mr. Cochran, Chairman of the Committee on Printing, submitted the following

## REPORT:

SENATE CHAMBER,  
Sept. 18, 1878. }

*Mr. President*—The Committee on Printing, to whom was referred the report of the Committee on Joint Rules for the two Houses, report the same back to the Senate, and recommend that said report be so amended as to have the



list of standing committees printed therewith. All of which is respectfully submitted.

R. B. COCHRAN,  
Chairman.

Mr. Cochran moved the adoption of the report.

Mr. Burnett moved that the report be amended by adding also the select committees, which motion was lost.

The question then recurring on the motion to adopt, it prevailed.

Mr. Jasper, Chairman of the Committee on Railroads, submitted the following

REPORT :

SENATE CHAMBER,  
SALEM, Sept. 17, 1878. }

*Mr. President*—The Committee on Railroads, to whom was referred S. B. No. 1, have had the same under consideration, and ask leave to report the bill back without recommendation.

M. JASPER,  
Chairman.

Mr. Colvig offered the following amendment to the rules:

I move that the Rules of the Senate be amended as follows:

Rule 16. No committee shall sit during the sitting of the Senate, without special leave, nor consider or report upon any bill presented by a member of this Senate without personally notifying the mover of such bill of the time and place where said bill be considered. G. W. COLVIG.

Mr. Haines moved that the petition of the citizens from Baker County, presented by him on yesterday, be referred to the joint committee on war claims; which motion prevailed.

Mr. Smith moved that a list of special committees, and also the joint special committees, be prepared by the Clerk of the

Senate, and that one hundred copies be ordered printed for the use of the Senate ; which motion was lost.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Bentley, without previous notice, and by unanimous consent, introduced S. B. No. 63, a bill for an act to provide for liens for common carriers and other persons on personal property ; which was read a first time and passed to its second reading without a question.

Mr. Watt, without previous notice, and by unanimous consent, introduced S. B. No. 64, a bill for an act to provide for the care and keeping of the insane, and to repeal Chapter 26 of the Miscellaneous Laws of Oregon, of the Code of A. D. 1872.

Mr. Watt moved that the rules be suspended and S. B. No. 64 be read a first time by title ; upon which question the yeas and nays were taken with the following result :

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Burch, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—24.

Nays—Messrs. Bentley, Brown, Burnett, Colvig, Davidson and Smith—6.

So the rules were suspended and the bill was read a first time by title and passed to its second reading without a question.

Mr. Brown, without previous notice, and by unanimous consent, introduced S. B. No. 65, a bill for an act to amend Section 7 of an act to provide for the time of holding County Courts, approved October 28, 1872, which was read a first time and passed to its second reading without a question.

Mr. Cochran, without previous notice, and by unanimous consent, introduced S. B. No. 66, a bill for an act to define the duties and fix the compensation of State Printer; which was read a first time and passed to its second reading without a question.

Mr. Apperson, without previous notice, and by unanimous consent, introduced S. B. No. 67, a bill for an act to regulate salmon fishing on the Clackamas river; which was read first time and passed to its second reading without a question.

Mr. Hirsch, without previous notice, and by unanimous consent, introduced S. B. No. 68, a bill to license selling by sample; which was read a first time and passed to its second reading without a question.

MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that under resolution of the House the Senate is invited to convene in the hall of the House in joint assembly at 12 o'clock meridian this day to canvass the vote of each House for Senator for Congress, and to take such other action in the election of United States Senator as is provided by act of Congress of July 25, 1866.

Very Respectfully,

W. L. WHITE,  
Chief Clerk.

Mr. Cochran moved that the Senate accept the invitation; which motion prevailed.

Mr. George, without previous notice, and by unanimous consent, introduced S. B. No. 69, a bill to establish houses of correction, and to provide for discipline therein; which was

read a first time and passed to its second reading without a question.

Mr. Bradshaw, without previous notice, by unanimous consent, introduced S. B. No. 70, a bill for an act to amend Section 35, Chapter 42, Miscellaneous Laws, providing for the election of Justices of the Peace, approved October 21, 1864; which was read a first time and passed to its second reading without a question.

Mr. Bradshaw moved that the Senate now take a recess until five minutes to 12 o'clock; which motion prevailed.

#### AFTER RECESS.

The President called the Senate to order.

The Sergeant-at-Arms of the House notified the Senate that the House was now ready to receive the Senate.

Whereupon, the Senate repaired to the House of Representatives.

#### JOINT CONVENTION.

The Joint Convention was called to order by the President.

The roll of the two Houses was called, and all the members were present except Mr. Ross of the Senate and Mr. Hendricks of the House.

The President stated the object of the joint convention to be to canvass the votes cast for United States Senator in the Houses on yesterday, and to take such further proceedings in the premises as might be required by the act of Congress, approved July 25, 1866.

The Clerk, by direction of the President, read the act of Congress under which the joint convention was assembled.

By the further direction of the President, the Clerk of the Senate read from the Senate Journal of yesterday the proceedings had in that body touching the election of a United

States Senator, from which it appeared that on that day a ballot had been duly taken for United States Senator in accordance with the act of Congress, that on said ballot the whole number of votes cast was 30, of which Hon. J. H. Slater had received 18 votes.

Hon. L. L. Rowland, 2 votes.

Hon. W. D. Hare, 2 votes.

Hon. H. Kelly, 2 votes.

N. B. Knight, 3 votes.

Hon. J. N. Dolph, 2 votes, and

Hon. Jesse Applegate, 1 vote.

And that Hon. J. H. Slater, having therefore received a majority of all the votes cast, was the choice of the Senate for United States Senator.

The Clerk of the House then read in like manner from the House Journal of yesterday the proceedings had in that body on the same subject, from which it appeared that a ballot had been duly taken on that day in the House for United States Senator, as required by said act of Congress; that on said ballot the whole number of votes cast was 58, of which Hon. James H. Slater received 30 votes.

Hon. J. N. Dolph, 2 votes.

Hon. J. H. Mitchell, 2 votes.

Hon. A. J. Dufur, 1 vote.

Hon. L. S. Scott, 1 vote.

Hon. J. F. Watson, 2 votes.

Rev. E. R. Geary, 1 vote.

Hon. W. C. Johnson, 4 votes.

Hon. R. P. Boise, 6 votes.

Hon. H. Failing, 1 vote.

Hon. W. D. Hare, 3 votes.

Hon. J. W. Nesmith, 2 votes.

Blank, 3 votes.

That Hon. J. H. Slater having therefore received a majority of all the votes cast, was the choice of the House for United States Senator; whereupon, the President declared that Hon. J. H. Slater having received a majority of all the votes cast in each house in the manner provided by law, was duly elected United States Senator from the State of Oregon for the term of six years from the 4th day of March next.

On motion of Mr. Bentley, the joint convention dissolved, and the Senate returned to the Senate Chamber.

IN THE SENATE.

The President called the Senate to order.

Mr. Apperson moved that when the Senate adjourn it adjourn to 10 o'clock A. M. to-morrow; which motion prevailed.

Then, on motion of Mr. Brown, the Senate adjourned.

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THURSDAY, SEPT. 19, 1878.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Davis, Smith and Thompson—3.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 12, for a joint committee to investigate the matter of the expense and utility of the Board of Canal Commissioners, and that Messrs.

Hughes, Starkweather and Webdell have been appointed as House joint committee under said resolution, and the resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, OREGON, Sept. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 14, for a joint committee of five, two from Senate and three from House, to inquire into the amount of labor done in the office of Supt. of Public Instruction, regarding State diplomas and certificates, etc; and that Messrs. White, Starkweather and Lee have been appointed on part of the House as such committee; and the resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 10, a bill for an act to prohibit the employment of Chinese laborers in the improvement of streets and public works of this State.

Also, H. B. No. 18, a bill to be entitled an act to protect the stock growing interests of the State of Oregon; and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 19, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has appointed Mr. Chandler on part of the House under S. C. R. No. 9, providing for the addition of two members to the joint committee, appointed under S. C. R. No. 4.

Also, that Messrs. Fretland, White and Broback were appointed joint committee on part of the House under H. C. R. No. 3, creating a joint committee of the two houses to compute the number of miles traveled by each member of the Legislative Assembly. Very respectfully,

W. L. WHITE,  
Chief Clerk.

## SECOND READING OF BILLS.

S. B. No. 16, a bill for an act to amend Sections 4, 5 and 17 of the Code of Civil Procedure of Oregon, was read a second time, and, on motion of Mr. Bradshaw, was referred to the Committee on Judiciary.

S. B. No. 17, a bill for an act to prescribe the duties of County Assessors, and to repeal Title 3 of Chapter 57, and to amend Sections 38, 39 and 40 of Title 4 of said Chapter of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, being on its second reading, Mr. George moved to suspend the rules and read the bill by title.

Upon which question, the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Colvig, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers,



Palmer, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—26.

Nays—Mr. Burnett—1.

Absent—Messrs. Apperson, Davis and Smith.

So the rules were suspended and the bill was read a second time by title.

Mr. Haley moved that the bill be referred to the Committee on Assessments, which motion prevailed.

S. B. No. 19, a bill for an act to more clearly define the duties of County Assessors and to provide for the appointment of Deputy County Assessors, was read a second time, and on motion of Mr. Watt was referred to the Committee on Assessments.

S. B. No. 20, a bill for an act to amend Section 17 of an act to provide liens of mechanic laborers, material men and others, and prescribing the manner of their enforcement, approved October 28, 1874, was read a second time, and on motion of Mr. Brown, was referred to the Committee on Judiciary.

S. B. No. 21, a bill for an act empowering the State Treasurer to redeem certain outstanding bonds of this State, was read a second time, and on motion of Mr. Myers, was referred to the Committee on Ways and Means.

S. B. No. 22, a bill for an act entitled an act to amend Sections 166 and 167 of Chapter 10 of Title 1, of the Code of Civil Procedure, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Myers was referred to the Committee on Judiciary.

S. B. No. 23, a bill for an act defining the rights and fixing the liabilities of married women and the relations between husband and wife, was read a second time, and on

motion of Mr. Fulton. was referred to the Committee on Judiciary.

S. B. No. 24, a bill for an act to amend Section 43 of an act to establish a uniform course of public instruction in the common schools of this State, approved Oct. 29, 1872, was read a second time, and on motion of Mr. Brown, was referred to the Committee on Education.

S. B. No. 25, a bill for an act to amend Sections 1041 and 1042 of Title 8 of Civil Code, was read a second time, and on motion of Mr. Burch, was referred to the Committee on Judiciary.

S. B. No. 26, a bill for an act to amend Section 3 of Chapter 64 of Miscellaneous Laws of Oregon, as published in General Laws of Oregon in 1874, was read a second time, and on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 27, a bill for an act to provide for the election of Supreme and Circuit Judges in distinct classes, was read a second time, and on motion of Mr. Palmer, was referred to the Committee on Judiciary.

S. B. No. 28, a bill for an act to amend Section 1121, Title 4, Chapter 15 of the Code of Civil Procedure of the State of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, and relating to conveyances executed by executors and administrators, was read a second time, and on motion of Mr. Bilyeu, was referred to the Committee on Judiciary.

S. B. No. 29, a bill for an act to amend Section 386 of Chapter 5 of the Code of Civil Procedure of the General Laws of Oregon, relating to suits in equity, was read a second time, and on motion of Mr. Waldo, was referred to the Committee on Judiciary.

## THIRD READING OF BILLS.

S. B. No. 13, a bill to incorporate the town of Lafayette, in Yamhill County, Oregon, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Colvig, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo and Mr. President—27.

Nays—None.

Absent—Messrs. Davis, Smith and Watt.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 35, a bill for an act to cede jurisdiction to the United States over certain lands condemned for use in the construction of a canal around the Cascades of the Columbia river, Oregon, was read a third time, and the question then being, "Shall the bill pass?" the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Colvig, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—27.

Nays—Mr. Burnett—1.

Absent—Messrs. Davis and Smith—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

## BILLS AND OTHER BUSINESS ON THE TABLE.

S. B. No. 1, a bill for an act to amend Section 20, Title 1

of Chapter 7 of the Miscellaneous Laws, having been heretofore reported by the Committee on Railroads, was on the table.

Mr. Colvig moved that the bill be engrossed and ordered to a third reading to-morrow; which motion prevailed.

S. B. No. 53, a bill for an act to amend an act passed by the Legislature of the State of Oregon, October 9, 1874, to incorporate the town of Gervais, in Marion County, State of Oregon, having heretofore been reported by the Committee on Corporations, with amendments, appeared on the table.

Mr. Hirsch moved that the Senate adopt the first amendment; which motion prevailed.

Mr. Hirsch moved to adopt the second amendment; which motion prevailed.

Mr. Hirsch also moved to engross and order the bill to a third reading to-morrow; which motion prevailed.

The amendment heretofore offered by Mr. Colvig to Senate Rule 16 was on the table, and on request of Mr. Colvig, it was laid over.

Mr. Fulton asked leave of absence for to-morrow for the Committee on Commerce for the purpose of visiting the salmon fisheries and hatching establishment on the Clackamas river.

Mr. Brown objected.

On motion of Mr. Fulton, leave was granted for the purpose indicated to those of the committee who desired to go.

Mr. Colvig offered S. C. R. No. 15:

*Resolved by the Senate the House concurring:*

That the joint committee appointed to examine the fishing interests of this State be granted leave of absence for September 20, 1878, and that they are hereby authorized to visit the salmon hatchery on the Clackamas river.

On motion of Mr. Colvig, the resolution was adopted.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 19, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 6, providing for a joint committee to inquire into the expediency of changing the boundaries of the judicial districts of this State. Under said resolution, Messrs. Everts, Hewitt and Taylor have been appointed as such committee on the part of the House.

Also, H. C. R. No. 7, providing for a joint committee of the two Houses, to take into consideration the wants of the Blind School, and that Messrs. Lee and Wheeler have been appointed such committee on the part of the House, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 6, accompanying the foregoing message was read.

Mr. Myers moved that the Senate concur; which motion prevailed.

H. C. R. No. 7, accompanying the foregoing message, was also read, and on motion of Mr. Colvig, was adopted.

The President appointed as committee, under H. C. R. No. 6, Messrs. Bradshaw and Ross; and under H. C. R. No. 7, Mr. Waldo.

Mr. Hirsch moved the Senate do now adjourn; which motion prevailed.

## AFTERNOON SESSION.

The Senate met at the usual hour for afternoon session, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig, Davis and Ross.

## FIRST READING OF HOUSE BILLS.

H. B. No. 10, a bill for an act to prohibit the employment of Chinese laborers on the improvement of streets and public works of this State, was read a first time and passed to its second reading without a question.

H. B. No. 18, a bill for an act to protect the stock-growing interests of the State of Oregon, was read a first time and passed to its second reading without a question.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 19, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 6, instructing the Secretary of State to procure insurance against loss or damage by fire on State Capitol Building, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 6, accompanying the foregoing message was read.

Mr. Waldo moved that the Senate concur therein.

Pending which, Mr. Myers moved to lay the resolution on the table; which motion was lost.

Mr. Myers moved to refer the resolution to a select committee.

Mr. Watt moved that it be referred to the Judiciary Committee.

The latter motion, having precedence, was put, and prevailed.

So the resolution was referred to the Judiciary Committee.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Burnett, from the Judiciary Committee, to whom was referred S. B. No. 5, a bill for an act relating to and legalizing the elections of Justices of the Peace for the precincts of Lafayette, Dayton, Amity, McMinnville and North Fork, in Yamhill county, Oregon, submitted the following report thereon:

#### REPORT.

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 18, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 5, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

On motion, of Mr. Grim, Senator J. H. Mitchell was invited to occupy a seat within the bar of the Senate.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 9, a bill for an act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors.

#### REPORT:

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 19, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom

was referred S. B. No. 9, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it pass.

Respectfully submitted,      JOHN BURNETT,  
Chairman.

Mr. Burnett also submitted the following report from said committee on S. B. No. 6, a bill for the adjudication and payment of claims against the State of Oregon.

REPORT.

CHAMBERS OF JUDICIARY COMMITTEE,      }  
SALEM, Sept. 19, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 6, have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments, and with the recommendation that the bill pass as amended :

1. Amend Section 1 by substituting in lieu thereof the following :

SECTION 1. That any person, or persons, having claims against the State of Oregon, be and the same are hereby authorized to bring an action or suit against the State in the Circuit Court held in the County where such claimant, or claimants, or a majority of them reside, by service of a true copy of the summons and complaint duly certified by the Clerk of said Court, on the Secretary of State, who shall appear and answer the complaint within thirty days from the date of the service ; *Provided*, That such claim, or claims, shall have first been presented to said Secretary, and he shall have refused to audit and allow the same, in whole or in part.

2. Amend Section 3, by striking out all after the word



"same," in line 4, printed bill, and inserting, "and the same shall be paid out of the incidental or other appropriate fund."

Respectfully submitted,

JOHN BURNETT,

Chairman.

Mr. Burnett also submitted the following report from said committee on S. B. No. 10, a bill for an act to provide for short-hand reporters for the several courts of this State :

REPORT :

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 19, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 10, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,

Chairman.

Mr. Palmer, from Committee on Enrolled Bills, reported S. J. R. No. 1, providing for a joint committee on Indian war claims, correctly enrolled.

REPORTS OF SELECT COMMITTEES.

Mr. Bilyeu, from the joint committee appointed under S. C. R. No. 8, providing for a joint committee to examine into the condition of the Capitol building, submitted the following

REPORT :

SENATE CHAMBER,  
SALEM, Sept. 19, 1878. }

*Mr. President*—Your joint committee appointed under S. C. R. No. 8, for the purpose of examining into the condition of the Capitol building, beg leave to report that they

have had this matter under consideration, and find the following facts:

We find that the Capitol building is not in a good state of preservation. We find in viewing the different rooms of the building not now in use, considerable quantities of waste paper and other combustible matter, which renders the building very liable to be set on fire by parties carelessly striking matches or flinging away lighted stubs of cigars. We suggest that the parties in charge of the building be required to take such steps as will obviate this danger. We think that it will be the part of wisdom to instruct the Secretary of State to insure the building in some responsible insurance company.

As to the manner of putting the building in a state of preservation, we have considered the matter and have prepared a bill which will in due time be introduced into the House, which bill specifies the work to be done, and provides for the manner of raising the necessary funds to push the work forward.

We recommend that the building be insured for \$85,000, the library for \$10,000 and the carpets, furniture and all other fixtures for \$5,000.

W. R. BILYEU,  
Chairman Committee.

Mr. Palmer, from the joint committee appointed under H. J. R. No. 3, providing for a joint committee to investigate penitentiary affairs, submitted the following

REPORT:

*Mr. President*—The joint committee appointed to investigate matters pertaining to the condition and management of the Penitentiary, beg leave to report that they have organized by the election of N. H. Gates as Chairman, and

O. S. Hatch as Clerk; said Clerk having been duly qualified by being sworn by the Secretary of State.

J. S. PALMER,

Sept. 19, 1878.

Chairman on part of Senate.

Mr. Haley, from the select committee to whom was referred S. B. No. 18, a bill for an act to amend an act entitled "an act to incorporate the city of Albany," approved Oct. 24, 1864, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 19, 1878. }

*Mr. President*—The committee of Senators, to whom was referred S. B. No. 18, have had the same under consideration, and recommend that the bill pass, after amending the same by striking out all of lines 17 and 18 and line 19 to the word "to," at the end of said line.

Respectfully submitted,

S. D. HALEY.

PROPOSITIONS AND MOTIONS.

Mr. Cochran offered S. J. R. No. 2:

*Be it Resolved by the Legislative Assembly of the State of Oregon (a majority of the Members of both Houses concurring):*

That the following Article be proposed to the people of Oregon, as an amendment to the Constitution of the State, which, when ratified by the said people, shall be valid as a part of the Constitution.

ARTICLE XIX.

The Legislative Assembly is authorized to incorporate, by special act, a corporation for the purpose of building and

operating a railway connecting Portland with the Central Pacific Railway at or near Winnemucca, in the State of Nevada, and to aid the construction of such road, and to enable the City of Portland and County of Multnomah to grant aid thereto.

Mr. Palmer moved the adoption of the resolution, pending which, on motion of Mr. Myers, the resolution was referred to the Committee on Railroads.

Mr. Thompson offered S. C. R. No. 16 :

*Resolved by the Senate the House concurring :*

That the committee appointed by S. J. R. No. 1, to examine and report upon Indian war claims, be and are hereby empowered to employ a clerk.

On motion of Mr. Thompson, the resolution was adopted.

Mr. Bilyeu offered S. R. No. 13 :

*Resolved*, That the members of the committee appointed on the part of the Senate to visit the Insane Asylum be granted leave of absence on Friday and Saturday of this week for the purpose of visiting said Asylum.

On motion, of Mr. Bilyeu, the resolution was adopted.

Mr. Burnett offered S. J. R. No. 3 :

*Be it Resolved by the Senate, the House concurring :*

That the Secretary of State is hereby directed to purchase, for the use of the State of Oregon, two hundred and fifty copies of volume six of the Oregon Supreme Court Reports, at a price not exceeding six dollars per copy ; *Provided*, That such reports shall conform to the requirements of Section 2 of Chapter 55, of the Miscellaneous Laws of this State ; and that he be directed, upon the purchase of such reports, to forward one copy thereof to each of the Supreme, Circuit and District Judges of the United States Courts, and of the Court of Claims ; to the Attorney General of the United States ; the

Secretary of the Interior; the Commissioner of the General Land Office; the Librarian of each State and Territory of the United States; and to the Librarian of Congress; to each of the Judges of the Supreme and County Courts; and to each of the members of the Legislative Assembly of this State; and the remaining copies shall be and remain in the Library of this State for the use and benefit of the State.

Mr. Burnett moved the adoption of the resolution.

Pending which, on motion of Mr. Watt, the resolution was referred to the Judiciary Committee.

Mr. Burnett offered S. R. No. 14:

WHEREAS, It is currently reported and generally believed that a room in the Capitol building has been converted into a dram shop; and

WHEREAS, Said building was constructed with the people's money, for the purpose of transacting their business therein, and no other; therefore,

*Be it Resolved*, That the Committee on Public Buildings be instructed to inquire by what authority said dram shop is carried on in said building, and report what measures are necessary to prevent the vending of spirituous liquors in the Capitol building, and the suppression of said dram shop.

Mr. Brown moved the adoption of the resolution.

Pending which, Mr. Haines moved that the resolution be referred to the Committee on Public Buildings; which motion was lost.

Mr. Thompson moved that the resolution be laid on the table; which motion was lost.

The question then recurring on the motion to adopt, the resolution was adopted.

#### INTRODUCTION AND FIRST READING OF BILLS.

By unanimous consent, without previous notice, Mr. Bent-

ley introduced S. B. No. 71, a bill for an act to amend an act to prevent swine from running at large in certain counties in this State, approved October 20, 1874, which was read a first time and passed to its second reading without a question.

Pursuant to notice, Mr. Bilyeu introduced S. B. No. 72, a bill for an act to redistrict the State of Oregon for judicial purposes and to fix the time of holding Circuit Courts in the different counties of the State, which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. George introduced S. B. No. 73, a bill for an act to amend Section 313 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane, which was read a first time and passed to its second reading without a question.

Mr. George, also, without previous notice, by unanimous consent, introduced S. B. No. 74, a bill for an act to amend an act entitled an act providing for private incorporations, and the appropriation of private property therefor, approved October 14, 1862, and an act entitled an act to amend an act entitled an act providing for private incorporations and the appropriation of private property therefor, approved October 14, 1862, approved October 22, 1870, which was read a first time and passed to its second reading without a question.

Without previous notice, by unanimous consent, Mr. Burnett introduced S. B. No. 75, a bill for an act to amend Section 1051 of Title 2 of Chapter 15 of the Code of Civil Procedure, approved October 11, 1862, which was read a first time and passed to its second reading without a question.

Mr. Burnett, also, without previous notice, by unanimous

consent, introduced S. B. No. 76, a bill for an act to amend section 575 of Title 1 of Chapter 7 of the Civil Code relating to writ of review; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. George introduced S. B. No. 77, a bill for an act to amend an act entitled "an act to establish a uniform course of public instruction in the common schools of this State," approved October 29, 1872; which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Burnett introduced S. B. No. 78, a bill for an act to amend section 44, Title 4 of Chapter 1 of the Code of Civil Procedure; which was read a first time and passed to its second reading without a question.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 19, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House concurs in S. C. R. No. 16, authorizing joint committee on Indian War Claims to employ a Clerk, and the resolution is herewith returned to the Senate.

W. L. WHITE.  
Chief Clerk.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 31, a bill for an act to amend an act entitled an act to incorporate the town

of Jacksonville, approved Oct. 19, 1860; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, OREGON, Sept. 19, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House concurs in S. C. R. No. 15, granting leave of absence to Joint Committee on Fishing Interests, and the resolution is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

A communication was read from Hon. B. F. Burch, inviting the Senate to visit the Penitentiary of this State at their convenience.

Mr. Burnett moved that the Senate do now adjourn; which motion prevailed.

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FRIDAY, SEPT. 20, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bilyen, Brown, Colvig, Davis, Fulton, Haines, Ross and Watt, absent on leave.

Prayer was offered by Rev. E. P. Tower, of this city.

The journal of yesterday was read and approved.

The President laid before the Senate a memorial from the Board of Trade of the United States, relating to the establishment of art and science schools.



Mr. Hirsch moved that the memorial be referred to the Committee on Education; which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following

## REPORT :

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 19, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 12, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it pass.

Respectfully submitted,

JOHN BURNETT,  
Chairman.

Mr. Myers, Chairman of the Committee on Engrossed Bills, submitted the following

## REPORT :

SENATE CHAMBER,  
SALEM, Sept. 20, 1878. }

*Mr. President*—Your Committee on Engrossed Bills beg leave to report S. B.'s Nos. 1 and 53, correctly engrossed.

Respectfully submitted,

JOHN MYERS,  
Chairman.

## REPORTS OF SELECT COMMITTEES.

Mr. Smith, Chairman of the committee under H. C. R. No. 3, submitted the following

## REPORT :

*Mr. President*—Your committee, to whom was referred H.

C. R. No. 3, to ascertain the number of miles traveled by each member of the Legislative Assembly to and from the seat of government, report that we find each Senator occupying seats in the Senate is entitled to following number of miles :

James Applegate, Douglas County.....	220 miles.
J. T. Apperson, Clackamas County.....	80 miles.
L. Bentley, Polk County.....	28 miles.
W. R. Bilyeu, Linn County.....	42 miles.
E. C. Bradshaw, Yamhill County.....	110 miles.
A. G. Brown, Coos and Curry Counties.....	496 miles.
C. H. Burch, Yamhill County.....	32 miles.
John Burnett, Benton County.....	70 miles.
J. S. Palmer, Benton County.....	70 miles.
R. B. Cochran, Lane County.....	150 miles.
John Whiteaker, Lane County.....	200 miles.
G. W. Colvig, Douglas County.....	350 miles.
Thomas Davidson, Grant County.....	970 miles.
T. A. Davis, Multnomah County...	100 miles.
G. W. Fulton, Clatsop, Tillamook and Columbia Counties ...	320 miles.
M. C. George, Multnomah County.....	100 miles.
D. L. Green, Josephine County .....	500 miles.
John W. Grim, Marion County .....	50 miles.
W. P. Lord, Marion County .....	2 miles.
William Waldo, Marion County.....	
I. D. Haines, Baker County .....	860 miles.
S. D. Haley, Linn County .....	56 miles.
Sol Hirsch, Multnomah County .....	100 miles.
M. Jasper, Union County.....	772 miles.
John Myers, Clackamas County.....	80 miles.
S. M. Pennington, Umatilla County .....	600 miles.

J. E. Ross, Jackson County.....500 miles.  
 J. H. Smith, Linn County.....100 miles.  
 Geo. Thompson, Wasco and Lake Counties .....530 miles.  
 A. S. Watt, Washington County.....160 miles.

Your committee would further report that the members of the committee on the part of the House, under said H. R. No. 3, will report to the House the number of miles traveled by each of the members of the House in coming and returning from the seat of government.

All of which is respectfully submitted,

JOHN H. SMITH,  
 WILLIAM WALDO,

Committee on part of Senate.

Mr. Grim offered S. R. No. 15:

WHEREAS, Since the adjournment of the last session, it has pleased the Almighty Disposer of Events to remove from our midst by death,

**HON. JOS. ENGLE,**

Late member of this body from Marion County; therefore be it

*Resolved by the Senate,* That by this afflictive dispensation of Providence, the community in which he resided has lost one of its most prominent and useful citizens, society a member of rare worth and high character, his family an affectionate husband, and the State a wise counselor whose highest ambition was to maintain its honor and advance its prosperity.

*Resolved,* That as a token of respect to the deceased Senator, this Senate do now adjourn, and stand adjourned until

2 o'clock P. M. on Monday next, and that these resolutions be spread upon the journal, and a copy sent to his family.

Mr. Myers moved the adoption of the resolution.

In respect to the deceased Senator, the vote on the resolution was taken by yeas and nays, each member rising and answering to his name, and remaining standing until the Senate was declared adjourned.

The result of the vote was as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Burch, Burnett, Cochran, Davidson, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo and Mr. President—22.

Nays—None.

Absent on leave—Messrs. Bilyeu, Brown, Colvig, Davis, Fulton, Haines, Ross and Watt—8.

So the resolutions were adopted, and in accordance therewith, the President declared the Senate adjourned until Monday at 2 o'clock P. M.

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### MONDAY, SEPT. 23, 1878.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Colvig and Palmer—2.

Prayer was offered by Rev. J. C. Baker, of this city.

The Journal of Friday was read and approved.

### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Burch, in accordance with previous notice, introduced S. B. No. 79, a bill for an act to incorporate the town of Amity, in Yamhill County, Oregon.

Mr. Burch moved that the rules be suspended and the bill be read a first time by title; upon which question, the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Bradshaw, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Myers, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—22.

Nays—Messrs. Brown, Davidson and Smith—3.

Absent—Messrs. Applegate, Colvig, Haines, Lord and Palmer—5.

So the rules were suspended, and the bill was read a first time by title and passed to a second reading without a question.

On request of Mr. Burch, the bill was ordered not printed.

Mr. George, by unanimous consent, and without previous notice, introduced S. B. No. 80, a bill to authorize the disposal of duplicates in the State Library; which was read a first time and passed to its second reading without a question.

Mr. Brown, without previous notice, and by unanimous consent, introduced S. B. No. 81, a bill for an act to repeal an act entitled an act to create a Board of Canal Commissioners for the canal and locks at the Willamette falls; which was read a first time by title and passed to its second reading without a question.

Mr. Palmer moved that the rules be suspended and the bill be read a second time now; upon which question, the yeas and nays were:

Yeas—Messrs. Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Jasper, Palmer, Ross, Thompson, Waldo and Mr. President—18.

Nay—Messrs. Apperson, Bently, George, Haley, Hirsch, Lord, Myers, Pennington, Smith and Watt—10.

Absent—Messrs. Applegate and Colvig—2.

So the Senate refused to suspend the rules.

Mr. Haley, without previous notice, and by unanimous consent, introduced S. B. No. 82, a bill for an act to repeal an act entitled an act, approved October 21, 1876, authorizing Jacob Fleischner to establish water works in the City of Albany, which was read a first time and passed to a second reading without a question.

On request of Mr. Haley, the bill was ordered not printed.

Mr. Haley, without previous notice, and by unanimous consent, introduced S. B. No. 83, a bill for an act for the relief of Jason Wheeler, which was read a first time and passed to its second reading without a question.

Mr. Burnett, without previous notice, and by unanimous consent, introduced S. B. No. 84, a bill for an act to provide for the transaction of business by the Judges of the Supreme and Circuit Courts in vacation and in each others' circuits, which was read a first time and passed to its second reading without a question.

Mr. Burnett, without previous notice, and by unanimous consent, introduced S. B. No. 85, a bill for an act to amend section 1026 of Title 6 of Chapter 14 of the Code of Civil Procedure, which was read a first time, and passed to a second reading without a question.

Mr. Burnett, without previous notice, and by unanimous consent, introduced S. B. No. 86, a bill for an act to amend section 862 of Title 1 of Chapter 11, and section 968 of Title 111 of Chapter 13 of the Code of Civil Procedure, which was read a first time and passed to a second reading without a question.

## SECOND READING OF BILLS.

S. B. No. 30, a bill for an act to regulate and to define the homestead, and to exempt the same from judicial sale, was read a second time, and on motion of Mr. Fulton was referred to the Committee on Judiciary.

S. B. No. 31, a bill for an act to regulate the measurement and survey of lumber in the log, and affix the compensation therefor, was read a second time, and, on motion of Mr. Brown, was referred to the Committee on Commerce.

S. B. No. 32, a bill for an act to amend Section 986 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane, was read a second time, and, on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 33, a bill for an act to amend Section 669, Chapter 8, of the Criminal Code of Oregon, relating to crimes against public policy, was read a second time, and on motion of Mr. Thompson, was ordered engrossed and to a third reading to-morrow.

S. B. No. 36, a bill for an act to amend Section 12 and 37 of Chapter 34 of Miscellaneous Laws of A. D. 1872, in relation to common schools in the State of Oregon, was read a second time, and on motion of Mr. Palmer, was referred to the Committee on Education.

S. B. No. 37, a bill for an act to repeal Sections 8 and 9, Title 1, Chapter 1, Miscellaneous Laws of Oregon, providing for the appointment of Assistant Secretary of State and fixing his salary, approved October 2, 1864, and also an act entitled an act to provide clerical aid to the Secretary of State, approved October 26, 1870, and also an act entitled an act to provide for work in the State Department, ap-

proved October 22, 1872, and being Sections 24 and 25, Title 2, Chapter 1 of the Miscellaneous Laws of Oregon, was read a second time, and on motion of Mr. Palmer, was referred to the Committee on Ways and Means.

S. B. No. 38, a bill for an act to amend Section 8 of Title 1 of Chapter 6, of Miscellaneous Laws of Oregon, relating to conveyances of real property as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Palmer, the bill was referred to the Committee on Judiciary.

S. B. No. 39, a bill to amend Section 112 of Title 6 of Chapter 15, of the Code of Civil Procedure of the General Laws of Oregon, relating to conveyances by executors and administrators, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Smith, was referred to the Committee on Judiciary.

S. B. No. 40, a bill for an act to repeal Sections 4 and 5 of Title 1 of Chapter 14, of the Miscellaneous Laws of Oregon, relating to making and posting notices of elections, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Myers, the bill was ordered engrossed and to a third reading to-morrow.

S. B. No. 41, a bill for an act to repeal Section 776 of an act entitled an act to provide a Code of Civil Procedure, approved October 11, 1862, was read a second time, and on motion of Mr. Palmer, was referred to the Committee on Judiciary.

S. B. No. 42, a bill for an act to amend Section 218 of an act entitled an act to provide a Code of Criminal Procedure and to define crimes and their punishment, approved October 11, 1862, was read a second time, and on motion of Mr. Palmer, the bill was referred to the Committee on Judiciary.



S. B. No. 43, a bill to amend Section 16 of Title 3 of Chapter 57 of Miscellaneous Laws of Oregon relating to assessments of property and the levy and collection of taxes, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Myers, was referred to the Committee on Assessments.

S. B. No. 44, a bill for an act to repeal an act entitled "an act providing for the traveling and incidental expenses and compensation of the Justices of the Supreme and Circuit Courts of the State of Oregon," approved October 17, 1872, was read a second time, and on motion of Mr. Palmer, was referred to the Committee on Judiciary.

S. B. No. 45, a bill for an act to amend Section 28, subdivision 3 of General Laws, relating to duties of State Treasurer, was read a second time.

Mr. Hirsch moved to amend the bill by striking out in line 15 of the printed bill, the words, "after the expiration of six months from the date of such endorsement," and inserting in lieu thereof the following: "From and after the time of the endorsement by the Treasurer, 'not paid for want of funds.'" Pending which, on motion of Mr. Burnett, the bill was referred to the Committee on Ways and Means.

The following messages from the House were, by consent, received and read:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 20, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 8, providing for a joint committee of the two Houses to investigate all matters relating to the segregation and sale of swamp lands, and that Messrs. Galloway, Thompson and White have been

appointed as such committee on part of the House, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 8, accompanying the foregoing message, was read.

Mr. Hirsch moved that the Senate concur therein; pending which, on motion of Mr. Cochran, the resolution was referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 19, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the chairman of the joint committee on part of the House to whom was referred H. C. R. No. 3, providing a joint committee on mileage of members of the Legislative Assembly, made their report to this House to-day.

Very Respectfully,  
W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 20, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 6, a bill to be entitled an act to authorize Dalles City to dispose of certain lands held by it in trust, and to provide for the disposal of the proceeds thereof; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 6, accompanying the foregoing message, was passed to its first reading.

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 20, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. J. R. No. 1, for a joint committee on Indian war claims; the resolution is herewith returned for enrollment.

Also, that the House has passed H. B. No. 34, a bill for an act to incorporate the town of Lebanon, Linn County, State of Oregon, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 34, accompanying the foregoing message, was passed to its first reading.

The President announced that he was about to sign S. J. R. No. 1, and shortly afterwards announced that he had signed the same.

On motion of Mr. Palmer, the Senate adjourned.

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TUESDAY, SEPT. 24, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig, and Haines—2.

Prayer was offered by Rev. J. C. Baker of this city.

The journal of yesterday was read and approved.

## SECOND READING OF BILLS.

S. B. No. 46, a bill for an act to amend Section 776 of Title 7, of the Code of Civil Procedure, approved Oct. 11,

1862, was read a second time, and on motion of Mr. Burnett, was referred to the Committee on Judiciary.

S. B. No. 47, a bill for an act entitled an act to amend Section 1 of Chapter 38, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Palmer, the bill was referred to the Committee on Mining.

S. B. No. 48, a bill for an act to provide for the payment of the claims arising from the Indian war of 1878, was read a second time, and on motion of Mr. Brown, was referred to the Committee on Military.

S. B. No. 49, a bill for an act to provide for the erection of a State Hospital Building for the insane, was read a second time, and on motion of Mr. Brown, was referred to the Committee on Public Buildings.

S. B. No. 50, a bill to provide for a convention to frame a new constitution for this State, was read a second time, and on motion of Mr. Cochran, was referred to the committee of the whole Senate.

S. B. No. 51, a bill for an act to facilitate and regulate the transportation of logs, lumber, timber and other floatables on the rivers of this State and their tributaries, was read a second time, and on motion of Mr. Bentley, was referred to the Committee on Commerce.

S. B. No. 52, a bill for an act to amend Sections 1 and 4 of Chapter 61 of Miscellaneous Laws of Oregon, was read a second time, and on motion of Mr. Ross, was referred to the Committee on Roads and Highways.

S. B. No. 54, a bill for an act to authorize State warrants drawn upon swamp land funds to be received in payment for the purchase of swamp lands, was read a second time,

and on motion of Mr. Myers, was referred to the Committee on Ways and Means.

S. B. No. 55, a bill for an act to create the office of Clerk of the Board of Commissioners for the sale of school and university lands and the management of the funds arising therefrom, was read a second time, and on motion of Mr. Palmer, was referred to the Committee on Education.

S. B. No. 56, a bill for the relief of John Flanigan, was read a second time, and Mr. Brown moved to refer to a special committee consisting of three Senators; pending which, on motion of Mr. Smith, the bill was referred to the Committee on Claims.

S. B. No. 57, a bill for an act to provide for equal and uniform taxation, and for the equalization of State taxation among the several counties of this State, being on its second reading, Mr. George moved that the rules be suspended, and that the bill be read a second time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Waldo, Watt and Mr. President—24.

Nays—Messrs. Burnett, Cochran, Haines and Ross—4.

Absent—Messrs. Colvig and Thompson.

So the rules were suspended, and the bill was read a second time by title, and, on motion of Mr. George, was referred to the Committee on Assessments.

S. B. No. 58, a bill for an act to amend Section 700 of Chapter 8 of Title 2 of the Criminal Code of the State of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and, on motion of Mr. Fulton, was referred to the Committee on Commerce.

S. B. No. 59, a bill to provide for the aid of internal improvements in the State of Oregon, and to provide funds therefor, being on its second reading, Mr. Bradshaw moved that the rules be suspended and that the bill be read by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bently, Bilyeu, Bradshaw, Burch, Burnett, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo, Watt and Mr. President—25.

Nays—Messrs. Brown and Cochran—2.

Absent—Messrs. Colvig, George and Thompson—3.

So the rules were suspended, and the bill was read by title.

Mr. Bradshaw moved that the bill be referred to the Committee on Public Lands; which motion prevailed.

S. B. No. 60, a bill for an act to amend Section 28 of Title 3, Chapter 1, of the Miscellaneous Laws of Oregon, approved June 2, 1859, was read a second time, and on motion of Mr. Burnett, was referred to the Committee on Ways and Means.

S. B. No. 61, a bill for an act to amend Sections 155 and 273 of Code of Civil Procedure of the State of Oregon, was read a second time, and on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 62, a bill to amend Section 16 of Title 3 of Chapter 57, of the Miscellaneous Laws of Oregon, relating to the assessments of property and the levy and collection of taxes, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Apperson, was referred to the Committee on Assessments.

S. B. No. 63, a bill for an act to provide for liens of common carriers and other persons on common property, was

read a second time, and on motion of Mr. Bentley, was referred to the Committee on Judiciary.

S. B. No. 64, a bill for an act to provide for the care and keeping of the Insane and to repeal Chapter 26 of the Miscellaneous Laws of Oregon of the Code of A. D. 1872, being on its second reading, Mr. Watt moved that the rules be suspended and the bill be read by title; upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—Mr. Palmer—1.

Absent—Messrs. Colvig, Davis and Ross.—3.

So the rules were suspended and the bill was read by title, and on motion of Mr. Watt, the bill was referred to the Committee on Ways and Means.

S. B. No. 65, a bill for an act to amend section 7 of an act to provide for the time of holding County Courts, approved Oct. 28, 1872, was read a second time, and on motion of Mr. Watt, was referred to the Committee on Judiciary.

S. B. No. 66, a bill for an act to define the duties and fix the compensation of the State Printer, being on its second reading, Mr. Myers moved that the rules be suspended and the bill be read by title; upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig—1.

So the rules were suspended and the bill was read a second time by title, and on motion of Mr. Cochran, was referred to the Committee on Printing.

S. B. No. 67, an act to regulate salmon fishing on the Clackamas river, was read a second time, and on motion of Mr. Apperson, was referred to the Committee on Commerce.

S. B. No. 68, a bill to license selling by sample, was read a second time, and on motion of Mr. Hirsch, was referred to the Committee on Commerce.

S. B. No. 69, a bill to establish houses of correction and to provide discipline therein, was read a second time, and on motion of Mr. George, the bill was referred to the Committee on Judiciary.

S. B. No. 70, a bill for an act to amend Section 35, Chapter 42, Miscellaneous Laws, providing for the election of Justices of the Peace, approved October 21, 1862, was read a second time.

Mr. Bradshaw moved that the bill be engrossed and ordered to a third reading to-morrow; pending which, Mr. Myers moved to refer the bill to the Committee on Judiciary; which motion prevailed.

S. B. No. 79, a bill for an act to incorporate the town of Amity, in Yamhill county, Oregon, being on its second reading, Mr. Hirsch moved that the rules be suspended and the bill be read a second time by title; upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper,



Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig and Haley—2.

So the rules were suspended and the bill was read a second time by title.

Mr. Burch moved to engross the bill and order it to a third reading to-morrow; pending which, Mr. Hirsch moved to refer to Committee on Corporations; which motion prevailed.

S. B. No. 82, a bill for an act to repeal an act entitled an act approved October 2, 1876, authorizing Jacob Fleischner to establish water works in the City of Albany, was read a second time, and on motion of Mr. Haley, was ordered engrossed and to a third reading to-morrow.

On motion of Mr. Palmer, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate met at the hour fixed by the rules for afternoon session, and was called to order by the President.

The roll was called, and Messrs. Applegate, Colvig, Ross and Thompson were absent.

By unanimous consent, Mr. Brown moved to reconsider the vote by which S. B. No. 48, a bill for an act to provide for the payment of the claims arising from the Indian war of 1878, was to-day referred to the Committee on Military; a vote was taken and the motion to reconsider prevailed.

The question then recurring on the motion to refer the bill to the Committee on Military, by consent, Mr. Brown

withdrew that motion ; then, on motion of Mr. Bilyeu, S. B. No. 48 was referred to the Committee on Claims.

By unanimous consent, Mr. George offered S. R. No. 16:

*Resolved*, That the courtesies and freedom of the floor of the Senate be and the same are hereby extended to Hon. J. K. Luttrell, Representative in Congress from the Third District of California.

On motion of Mr. George, the resolution was adopted.

#### THIRD READING OF BILLS.

S. B. No. 1, a bill for an act to amend Section 20, Title 1 of Chapter 7, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were taken with the following result :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Lord, Myers, Palmer, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—Messrs. Jasper and Pennington—2.

Absent—Mr. Colvig—1.

So the bill passed.

There being no objection, the title of the bill stood as the title of the act.

Mr. Myers, from the Committee on Engrossed Bills, submitted the following

#### REPORT:

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Engrossed Bills beg

leave to report S. B.'s Nos. 33 and 40 correctly engrossed.

Very Respectfully,

JOHN MYERS,

Chairman.

S. B. No. 53, a bill for an act to amend an act passed by the Legislature of the State of Oregon, October 9, 1874, to incorporate the town of Gervais, in Marion County, State of Oregon, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were taken thereon with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig, Davidson and Palmer—3.

So the bill passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

S. B. No. 33, a bill for an act to amend Section 669, Chapter 8, of the Criminal Code of Oregon, relating to crimes against public policy, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were taken thereon with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig and Davidson—2.

So the bill passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

S. B. No. 40, a bill for an act to repeal Sections 4 and 5 of Title 1 of Chapter 14 of the Miscellaneous Laws of Oregon, relating to making and posting notices of elections, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were taken thereon with the following result:

Yeas—Messrs. Apperson, Bentley, Bradshaw, Cochran, Davidson, Jasper, Myers, Palmer and Smith—9.

Nays—Messrs. Applegate, Bilyeu, Brown, Burch, Burnett, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Lord, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—20.

Absent—Mr. Colvig—1.

So the bill failed to pass.

Mr. Watt moved that the Senate adjourn; which motion was lost.

#### BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

S. B. No. 5, a bill for an act relating to and legalizing the elections of Justices of the Peace for the precincts of Lafayette, Dayton, Amity, McMinnville and North Fork, in Yamhill County, Oregon, having been heretofore reported from the Judiciary Committee with the recommendation that it pass, was on the table.

On motion of Mr. Burch, the bill was ordered engrossed for a third reading to-morrow.

S. B. No. 16, a bill for an act for the adjudication and payment of claims against the State of Oregon, having been reported from the Judiciary Committee, with sundry amendments, was on the table.

On motion of Mr. Burnett, the first amendment was adopted.

On motion of Mr. George, the second amendment was adopted.

On the further motion of Mr. George, the bill was ordered to be engrossed and read a third time to-morrow.

S. B. No. 9, a bill for an act to secure creditors a just division of estates of debtors who convey to assignees for the benefit of creditors, having been reported from the Judiciary Committee, with the recommendation that it pass, was on the table.

Mr. George moved to amend the bill by adding to Section 1 thereof, the following:

“And such assignment shall have the effect to discharge any and all attachments upon which judgment shall not have been taken at the date of such assignment and after the payment of the costs and disbursements thereof, including the attorney fees allowed by law, in case of judgment, out of the estate of the insolvent, such claim or claims shall be deemed as presented, and shall share *pro rata* with other claims as hereinafter provided.”

Pending which, Mr. Applegate asked and obtained indefinite leave of absence for Mr. Colvig on account of sickness.

After some discussion of Mr. George's amendment, Mr. Myers moved that the Senate adjourn; which motion was lost.

After some further discussion, Mr. Haines moved to lay the amendment to S. B. No. 9 on the table; upon which question, Messrs. Hirsch and Myers demanded the yeas and nays, and they were taken accordingly with the following result:

Yeas—Messrs. Burnett, Haines and Ross—3.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—25.

Absent—Mr. Colvig (on leave) and Mr. Brown—2.

So the motion to lay on the table was lost.

The question then recurring on the amendment proposed by Mr. George, Messrs. Hirsch and Myers demanded the yeas and nays thereon, and they were taken accordingly with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Cochran, Davidson, Davis, George, Green, Grim, Haley, Hirsch, Myers, Pennington, Smith, Thompson, Watt and Mr. President—18.

Nays—Messrs. Bradshaw, Burch, Burnett, Fulton, Haines, Jasper, Lord, Palmer, Ross and Waldo—10.

Absent—Mr. Colvig (on leave) and Mr. Brown—2.

So the amendment was adopted.

On motion of Mr. Lord, the bill was then ordered engrossed for a third reading to-morrow.

On motion of Mr. Smith, the Senate adjourned.

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### WEDNESDAY, SEPT. 25, 1878.

The Senate met at the usual hour and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Applegate, Colvig, Davidson, Palmer and Ross—5.

Prayer was offered by Mr. Hill, of this city.

The Journal of yesterday was read and approved.

BILLS AND OTHER BUSINESS ON THE TABLE.

S. B. No. 10, a bill to provide for short-hand reporters for the several courts of this State, was on the table with a favorable report from the Judiciary Committee.

On motion of Mr. Burnett, the bill was ordered engrossed for a third reading to-morrow.

S. B. No. 18, a bill for an act to amend an act entitled "an act to incorporate the city of Albany," approved October 24, 1864, was on the table, with a report from the Select Committee, to whom it was referred, recommending an amendment.

Mr. Haley, chairman of the committee, asked and obtained leave to amend his report by inserting the words "page 3" after the words "line 19" in said report.

On motion of Mr. Haley, the report, as thus amended, was adopted.

On the further motion of Mr. Haley, S. B. No. 18, as amended, was ordered engrossed for a third reading to-morrow.

S. B. No. 12, a bill for an act to promote medical science, was on the table, with a favorable report from the Judiciary Committee.

Mr. Lord moved that the bill be ordered engrossed for a third reading to-morrow; pending which, Mr. Myers moved to amend the bill by striking out all after the word "law," in third line, Section 1, printed bill, to the word "all," in fourth line of said Section; which motion was lost.

The question then recurring on the motion to order the bill engrossed for a third reading to-morrow.

The report of the joint committee on mileage, heretofore submitted, was on the table.

On motion of Mr. Haines, the report was adopted.

FIRST, SECOND AND THIRD READING OF HOUSE BILLS, AND  
OTHER BUSINESS FROM THE HOUSE.

H. B. No. 31, a bill for an act to amend an act entitled "an act to incorporate the town of Jacksonville," approved October 19, 1860, was read a first time and passed to its second reading without a question.

H. B. No. 6, a bill to be entitled an act to authorize Dalles City to dispose of certain lands held by it in trust and to provide for the disposal of the proceeds thereof, was read a first time and passed to its second reading without a question.

H. B. No. 34, a bill for an act to incorporate the town of Lebanon, Linn County, State of Oregon, was read a first time and passed to its second reading without a question.

H. B. No. 10, a bill for an act to prohibit the employment of Chinese laborers on the improvement of streets and other public works of this State, was read a second time.

On motion of Mr. Cochran, the bill was referred to the Committee on Federal Relations.

H. B. No. 18, a bill to be entitled an act to protect the stock-growing interests of the State of Oregon, was read a second time, and on motion of Mr. Palmer, was ordered to a third reading to-morrow.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 24, 1873. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 24, a bill for an act to amend an act regulating enclosures, approved October 22, 1872.



Also, H. B. No. 47, a bill for an act to amend Title 1 of Chapter 18 of the Miscellaneous Laws of Oregon, in regard to estrays, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

The House bills accompanying the foregoing message were passed to their first reading.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 24, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. M. No. 1, praying Congress for an appropriation for a port of refuge at Ewing's Harbor or Port Orford, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. M. No. 1, accompanying the foregoing message, was read.

Mr. Haines moved that the Senate concur therein, which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 24, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 7, relating to a drinking saloon in the Capitol building, etc.

Also, H. C. R. No. 9, relating to the introduction of bills, etc., and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 7 was read.

Mr. Smith moved that the Senate concur therein; upon which question the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo and Watt—24.

Nays—Messrs. Davis, Haines, Palmer, Thompson and Mr. President—5.

Absent—Mr. Colvig (on leave)—1.

So the joint resolution was concurred in.

H. C. R. No. 9, accompanying the foregoing message, was read.

Mr. Apperson moved that the Senate concur therein; pending which, on motion of Mr. Smith, the resolution was laid on the table.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 24, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. M. No. 3, memorializing Congress for an extension of time for building the North Pacific Railroad, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,

Chief Clerk.

H. J. M. No. 3 was read, and on motion of Mr. Burnett, was referred to the Committee on Railroads.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 24, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has adopted H. J. M. No. 4, memorializing Congress to extinguish the title to the lands now occupied by the Umatilla Indians, and to remove them to some suitable place in the Eastern portion of Washington Territory, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. M. No. 4 was read.

Mr. Smith moved that the Senate concur therein; pending which, on motion of Mr. Myers, the joint memorial was referred to the Committee on Federal Relations.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 24, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 8, a bill to be entitled an act to enable Dalles City to dispose of certain tracts of land, and to provide for the disposition of the proceeds therefrom, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 8 was passed to its first reading.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 25, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 9, authorizing the Secretary of State to procure a copy of the proceedings had by the representatives of the general government and the State of Oregon with the Umatilla Indians, and the

same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 9 was read.

Mr. Haines moved that the Senate concur therein ; which motion prevailed.

On motion of Mr. Hirsch, the Senate adjourned.

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### AFTERNOON SESSION.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and Messrs. Applegate, Hirsch, Palmer, Ross and Watt were absent, besides Mr. Colvig, on leave.

### BUSINESS FROM THE HOUSE, CONTINUED.

H. B. No. 8. a bill for an act to be entitled "an act to enable Dalles City to sell and dispose of the certain tract of land by it purchased from the United States, and designated on the surveyed plat of the United States as parts of Sections 3, 4, 9 and 10, in Township 1, North of Range 13, East of the Willamette Meridian, and as Cash Entry No. 1,161, and to provide for the disposition of the proceeds therefrom, was read a first time and passed to its second reading without a question.

H. B. No. 24, a bill for an act to amend an act entitled an act to regulate enclosures, approved October 22, 1872, was read a first time and passed to its second reading without a question.

H. B. No. 47, a bill for an act to amend Title 1 of Chapter 18 of the Miscellaneous Laws of the State of Oregon, in

regard to estrays, was read a first time and passed to its second reading without a question.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Smith presented a petition from many citizens of Harrisburg, Linn County, asking an amendment to their city charter so as to grant to the City Council the right to regulate the sale of spirituous, malt and vinous liquors.

On motion of Mr. Smith, the petition was referred to a select committee composed of the Senators from Linn County.

Mr. George presented a petition from B. F. Hutchinson, of Multnomah County, asking an appropriation for a survey of a certain tract of swamp land between Yaquina and Alsea Bays, in Benton County.

On motion of Mr. George, the petition was referred to the Committee on Public Lands.

Mr. Burch presented a petition from many citizens of Yamhill County, asking for the repeal of the "Fence Law."

On motion of Mr. Burch, the petition was referred to the Committee on Counties.

REPORTS OF STANDING COMMITTEES.

Mr. Burnett, Chairman of the Committee on Judiciary, to whom was referred S. J. R. No. 3, authorizing Secretary of State to purchase 250 copies of the 6th volume of Oregon Reports, submitted the following

REPORT:

CHAMBERS OF JUDICIARY COMMITTEE, }  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. J. R. No. 3, have had the same under con-

sideration and have instructed me to report it back to the Senate with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Also, on S. B. No. 25, an act to amend Sections 1041 and 1042 of Title 8, Chapter 14 of the Civil Code, the following :

REPORT :

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 25, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Also, on S. B. No. 26, a bill for an act to amend Section 3 of Chapter 64 of Miscellaneous Laws of Oregon, as published in the General Laws of Oregon in 1874, the following

REPORT :

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred H. B. No. 26, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Also, on S. B. No. 29, a bill for an act to amend Section 386 of Chapter 5 of the Code of Civil Procedure of the General Laws of Oregon, relating to suits in equity, the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 29, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Also, on S. B. No. 32, a bill for an act to amend Section 986 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane, the following

## REPORT:

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 32, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Also, on S. B. No. 38, a bill for an act to amend Section 8 of Title 1 of Chapter 6, of the Miscellaneous Laws of Oregon, relating to conveyances of real property, as compiled by Matthew P. Deady and Lafayette Lane, the following

## REPORT.

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 38, have had the same under consideration, and

have instructed me to report the same back to the Senate with the recommendation that it pass.

Respectfully submitted,      JOHN BURNETT,  
Chairman.

Mr. Cochran, Chairman of the Committee on Ways and Means, to whom was referred S. B. No. 21, a bill for an act directing and empowering the State Treasurer to redeem certain outstanding bonds of this State, submitted the following

REPORT :

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 21, report the same back with the following amendments :

Amend Section 4, line 2, printed bill, by striking out the words, "their numerical order," and inserting instead the words, "the order of their presentation."

Also, amend Section 4, printed bill, by striking out the words, "their numerical order," and inserting instead the words, "order of presentation," and as so amended, recommend that the bill be passed.

R. B. COCHRAN,  
Chairman.

Also, on S. B. No. 37, a bill for an act to repeal Sections 8 and 9, Title 1, Chapter 1, Miscellaneous Laws of Oregon, providing for the appointment of Assistant Secretary of State and fixing his salary, approved October 2, 1864, and also an act entitled an act to provide clerical aid to the Secretary of State, approved October 26, 1870, and also an act entitled an act to provide for work in the State Department, approved October 22, 1872, and being Sections 24 and 25,



Title 2, Chapter 1 of the Miscellaneous Laws of Oregon, the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Ways and Means, to whom was referred S. B. No. 37, beg leave to report the same back, with the recommendation that it be indefinitely postponed, for the reason that the substitute reported by the committee, for S. B. No. 4, covers the same ground.

R. B. COCHRAN,  
Chairman.

Also, on S. B. No. 45, a bill for an act to amend Section 28, Subdivision 8, of General Laws, relating to the duties of State Treasurer, the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 45, beg leave to report the same back to the Senate, with the following amendments:

Amend Section one, line one, printed bill, by inserting between the word or figure "3" and the word "General," the words "Chapter one;" and in printed bill, line 15, strike out the word "six" and insert the word "three;" and as so amended, recommend that the bill do pass.

R. B. COCHRAN,  
Chairman.

Also, on S. B. No. 54, a bill for an act to authorize State warrants, drawn upon swamp land funds, to be received in payment for the purchase of swamp lands, the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your committee, to whom was referred S. B. No. 54, beg leave to report the same back to the Senate with the recommendation that it pass,

R. B. COCHRAN,  
Chairman.

Also, on S. B. No. 60, a bill for an act to amend Section 28 of Title 3, Chapter 1, of the Miscellaneous Laws of Oregon, approved June 2, 1859, the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 24, 1878. }

*Mr. President*—Your Committee on Ways and Means, to whom was referred S. B. No. 60, beg leave to report the same back with the recommendation that it be indefinitely postponed, for the reason that the grounds are substantially covered by S. B. No. 45, reported by this committee.

R. B. COCHRAN,  
Chairman.

Mr. Haley, Chairman of the Committee on Elections, to whom was referred S. B. No. 3, an act entitled an act to amend section four of an act entitled "an act redistricting the State into Senatorial and Representative Districts, and fixing the number of Senators and Representatives in the Legislative Assembly, approved October 19, A. D. 1872, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 25, 1878. }

*Mr. President*—Your committee, to whom was referred S.

B. No. 3, have had the same under consideration, and beg leave to report the same back to the Senate without recommendation. Respectfully submitted, S. D. HALEY,

Chairman.

Mr. Davis, Chairman of the Committee on Commerce, to whom was referred S. B. No. 7, a bill for an act regulating salmon fisheries on the waters of the Columbia river and its tributaries, submitted the following

REPORT:

SENATE CHAMBER,  
Sept. 25, 1878. }

*Mr. President*—Your Committee on Commerce, to whom was referred S. B. No. 7, having had the same under consideration, would respectfully report the same back to the Senate and recommend its passage with the following amendments:

First amendment—Amend Section 1 by striking out of line two, in the printed bill, the word "April," and before the word May in line 3 insert the word "April."

Second amendment—In line 4 of Section 2, strike out the word "three" and insert in lieu thereof the word "two," and before the word May in line 2, Section 2, insert the word "April." In line 7 of said Section 2, strike out the words "three feet" and insert in lieu thereof the words "one foot," and between the words "intending" and "from" insert the word "upwards;" in line 8 of said Section 2, after the word "bottom," strike out the word "to" and insert the word "toward" in lieu thereof, and between the words "and" and "insert the words "five feet;" in line 10 of said Section 2, strike out the word "April," as it is between the words "March" and "August," and between the words "of" and

"May" insert the word "April;" in line 15 of Section 2, between the words "floor" and "the," strike out the word "to" and insert in lieu thereof the words "five feet towards."

Third amendment—Strike out the whole of Section 3 of said bill. All of which is respectfully submitted,

T. A. DAVIS,

Chairman.

Also, on S. B. No. 11, a bill for an act to create the office of Fish Commissioner for the Columbia river, to license the taking of salmon in the Columbia river and its tributaries, and to encourage the establishing of hatching houses on the waters of the Columbia river for propagation of salmon, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 25, 1878. }

*Mr. President*—Your Committee on Commerce have had under consideration S. B. No. 11, and would report the same back with the recommendation that it pass.

Respectfully submitted,

T. A. DAVIS,

Chairman.

Also, on S. B. No. 67, a bill for an act to regulate salmon fishing on the Clackamas river, the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 25, 1878. }

*Mr. President*—Your Committee on Commerce have had under consideration S. B. No. 67, and would report the same back with the following amendments: In section one, line two of the printed bill, insert the word "June" between the

words "of" and "July;" with the above amendment, we recommend that the bill do pass.

Respectfully submitted,

T. A. DAVIS,  
Chairman.

Mr. Myers, Chairman of the Committee on Engrossed Bills, reported S. B's No. 5, 6 and 82 correctly engrossed.

Mr. Green, chairman of the Committee on Roads and Highways, to whom was referred S. B. No. 52, a bill for an act to amend Sections 1 and 4 of Chapter 61 of Miscellaneous Laws of Oregon, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 25, 1878. }

*Mr. President*—Your Committee on Roads and Highways, to whom was referred S. B. No. 52, have had the same under consideration, and have directed me to report the same back, with the recommendation that it pass.

DAN. L. GREEN,  
Chairman.

Mr. Thompson, chairman of the Committee on Public Lands, to whom was referred H. C. R. No. 8, providing for a joint committee to investigate all matters relating to the segregation and sale of swamp lands, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 25, 1878. }

*Mr. President*—Your committee to whom was referred H. C. R. No. 8, would respectfully report the same back, with the recommendation that it pass.

S. G. THOMPSON,  
Chairman.

Mr. Davidson, chairman of the Committee on Mining, to whom was referred S. B. No. 47, a bill for an act entitled an act to amend Section 1 of Chapter 38, of the Miscellaneous Laws of Oregon, of the Code of 1872, as compiled by Matthew P. Deady and Lafayette Lane, submitted the following

## REPORT :

SENATE CHAMBER,  
SALEM, Sept. 25, 1878. }

*Mr. President*—Your Committee on Mining have had S. B. No. 47 under consideration and report the same back with the recommendation that it pass. T. R. DAVIDSON,  
Chairman.

## PROPOSITIONS AND MOTIONS.

Mr. Watt offered S. R. No. 17:

*Resolved*, That the Standing Committee on Printing be required to report to the Senate at the earliest possible moment the cause of delay in the reports from the various executive offices, and especially that of the Secretary of State and State Treasurer.

Mr. Watt moved that the Senate adopt; which motion prevailed.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Waldo, by unanimous consent, and without previous notice, introduced S. B. No. 87, a bill for an act to amend Section 8 of Title 2 of Chapter 15 of the Miscellaneous Laws of Oregon, which was read a first time and passed to its second reading without a question.

Mr. Watt, by unanimous consent, and without previous notice, introduced S. B. No. 88, a bill for an act to provide for clearing creeks and other small streams from driftwood

and other obstructions, which was read a first time and passed to its second reading without a question.

Mr. Lord, by unanimous consent, and without previous notice, introduced S. B. No. 89, a bill for an act to repeal Section 6 of Chapter 30 of the Miscellaneous Laws of the Code, as compiled by Matthew P. Deady and Lafayette Lane, to provide for the appointment of a State Librarian, which was read a first time and passed to its second reading without a question.

Mr. George, by unanimous consent, and without previous notice, introduced S. B. No. 90, a bill for an act to amend Sections 5, 17 and 22 of Title 1 of Chapter 7 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, which was read a first time and passed to its second reading without a question.

Mr. Thompson, by unanimous consent and without previous notice, introduced S. B. No. 91, a bill for an act to prevent the spreading of contagious and infectious diseases among domestic animals, which was read a first time and passed to its second reading without a question.

Mr. George, by unanimous consent, and without previous notice, introduced S. B. No. 92, a bill for an act to amend an act entitled an act to establish a uniform course of public instruction in the common schools of this State, approved October 22, 1872, which was read a first time and passed to its second reading without a question.

Mr. Myers, by unanimous consent, and without previous notice, introduced S. B. No. 93, a bill for the relief of W. W. Buck, which was read a first time and passed to its second reading without question.

Mr. Apperson, without previous notice, and by unanimous consent, introduced S. B. No. 94, a bill to amend Section 64,

Title 6 of Chapter 57, Miscellaneous Laws of Oregon, relating to the collection and return of taxes and proceedings connected therewith, which was read a first time and passed to its second reading without a question.

Mr. Cochran, by unanimous consent, and without previous notice, introduced S. B. No. 95, a bill for an act for the relief of purchasers at judicial sales, which was read a first time and passed to its second reading without a question.

Mr. Davidson, without previous notice, and by unanimous consent, introduced S. B. No. 96, a bill for an act to amend Section 5 of an Act entitled "an act to amend Sections 1 and 5 of Title 1 of the Miscellaneous Laws of Oregon, relating to property and polls subject to assessment and taxation," approved Oct. 21, 1876, which was read a first time and passed to its second reading without a question.

Mr. Bilyeu, by unanimous consent, and without previous notice, introduced S. B. No. 97, a bill for an act entitled "an act to amend Sections 28 and 36 of Chapter 41 of the Miscellaneous Laws of the State of Oregon, compilation 1874 by Matthew P. Deady and Lafayette Lane, which was read a first time and passed to its second reading without a question.

Mr. George, by unanimous consent, and without previous notice, introduced S. B. No. 98, a bill for the relief of W. S. Harn, which was read a first time and passed to its second reading without a question.

Mr. Haley, without previous notice, and by unanimous consent, introduced S. B. No. 99, a bill for an act to provide for the leasing of the Penitentiary and convict labor, and to prescribe rules and regulations for the government of said convicts; and to repeal Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of Title 1, and the whole of Title



2 of Chapter 44, of the General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, as found on pages 701, 702, 703 and 704 of the Code.

Mr. Haley moved the rules be suspended and the bill be read a first time by title, upon which motion the yeas and nays were,

Yeas—Messrs. Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Fulton, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—Messrs. Apperson and Davis—2.

Absent—Messrs. Applegate, Bradshaw, Colvig (on leave), George and Palmer—5.

So the rules were suspended and the bill was read by title and passed to its second reading without a question.

Mr. Bradshaw, without previous notice, and by unanimous consent, introduced S. B. No. 100, a bill for an act to amend Section 1115, page 329 of the Civil Code, which was read a first time and passed to its second reading without a question.

Mr. Burnett, by unanimous consent, and without previous notice, introduced S. B. No. 101, a bill to authorize foreign corporations to do business and exercise their corporate powers within the State of Oregon, which was read a first time and passed to its second reading without a question.

Mr. Burnett, by unanimous consent, introduced S. B. No. 102, a bill to regulate foreign corporations transacting business in the State of Oregon, which was read a first time and passed to its second reading without a question.

Mr. Burnett, without previous notice, and by unanimous consent, introduced S. B. No. 103, a bill for an act to punish trespassers, which was read a first time and passed to its second reading without a question.

On motion of Mr. Watt, the Senate adjourned.

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THURSDAY, SEPT. 26, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (on leave) and Fulton—2.

The Journal of yesterday was read and approved.

SECOND READING OF BILLS.

S. B. No. 71, a bill for an act to prevent swine from running at large in certain counties of this State, was read a second time, and on motion of Mr. Bentley, was referred to a select committee, consisting of Senators Burch and Waldo.

S. B. No. 72, a bill for an act to re-district the State of Oregon for judicial purposes, and to fix the time of holding Circuit Courts in the different counties of this State, was read a second time, and on motion of Mr. Burnett, was referred to the Committee on Judiciary.

S. B. No. 73, a bill for an act to amend Section 313 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 74, a bill for an act to amend an act entitled an act providing for private corporations and appropriation of private property therefor, approved October 14, 1862, and an act entitled an act to amend an act entitled an act providing for private corporations and the appropriation of private property therefor, approved October 22, 1870, being on its

second reading, Mr. Bradshaw moved a suspension of the rules and the bill be read a second time by title, upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyen, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig (on account of sickness)—1.

So the rules were suspended and the bill was read by title, and on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 75, a bill for an act to amend Section 1051 of Title 2 of Chapter 15 of the Code of Civil Procedure, approved October 11, 1862, was read a second time, and on motion of Mr. Burnett, was referred to the Committee on Judiciary.

S. B. No. 76, a bill for an act to amend Section 575 of Title 1 of Chapter 7 of the Code of Civil Procedure, relating to writ of review, was read a second time and referred to the Committee on Judiciary, by the motion of Mr. Myers.

S. B. No. 77, a bill for an act to amend an act entitled "an act to establish a uniform course of public instruction in the common schools of this State," approved Oct. 29, 1872, was read a second time, and on motion of Mr. George, the bill was referred to the Committee on Education.

S. B. No. 78, a bill for an act to amend section 44, Title 4 of Chapter 1 of the Code of Civil Procedure, was read a second time, and on motion of Mr. Burnett, was referred to the Committee on Judiciary.

S. B. No. 80, a bill to authorize the disposal of duplicates

in the State Library, was read a second time, and on motion of Mr. George, was referred to the Committee on Judiciary.

S. B. No. 81, a bill for an act to repeal an act entitled an act to provide a Board of Canal Commissioners for the canal and locks at the Willamette falls, was read a second time, and on motion of Mr. Brown, was referred to the Committee on Commerce.

Mr. Myers, chairman of the Committee on Engrossed Bills, reported S. B's No. 9, 10, 12 and 18 correctly engrossed.

#### THIRD READING OF SENATE BILLS.

S. B. No. 5, a bill for an act relating to and legalizing the elections of Justices of the Peace for the precincts of Lafayette, Dayton, Amity, McMinnville and North Fork in Yamhill County, Oregon, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were taken with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent (on account of sickness)—Mr. Colvig—1.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 6, a bill for an act for adjudication and payment of claims against the State of Oregon, was read a third time, and it appearing that the bill was not properly engrossed, on motion of Mr. Haines, the bill was re-referred to the Committee on Engrossments.

S. B. No. 82, a bill for an act to repeal an act entitled an

act approved October 21, 1876, authorizing Jacob Fleischer to establish water works in the city of Albany, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—Mr. Hirsch—1.

Absent—Mr. Colvig (on account of sickness)—1.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 9, a bill for an act to secure creditors a just division of estates of debtors who convey to assignees for the benefit of creditors, was read a third time. The question then was, "Shall the bill pass?" Pending which, Mr. Cochran moved that when the Senate do adjourn it adjourn to meet to-morrow at 10 o'clock; which motion prevailed.

Mr. Palmer asked that the President appoint an additional member to serve on the Committee on Education in the place of Mr. Colvig who is sick; thereupon the President appointed Mr. George as such member.

By unanimous consent the following messages from the House was read :

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 26, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House requests the return of H. J. M. No. 3,

relating to an extension of time for completing the North Pacific Railroad, for reconsideration by the House.

Very Respectfully,

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 26, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has reconsidered H. J. R. No. 9, authorizing the Secretary of State to procure a copy of the proceedings had by the representatives of the general government and the State of Oregon with the Umatilla and other Indians at the Umatilla reservation, and has indefinitely postponed the same.

Very Respectfully, W. L. WHITE,  
Chief Clerk.

Mr. Burnett moved to adjourn; which motion prevailed.

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FRIDAY, SEPT. 27, 1878.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Apperson, (on leave), Colvig, (on account of sickness), Fulton and Watt—4.

Prayer was offered by Rev. Chambers of this city.

The Journal of yesterday was read and approved.

S. B. No. 9, being at the time of adjournment on its passage, the President announced the question to be, "Shall this bill pass?" Upon which question the yeas and nays were :

Yeas—Messrs. Applegate, Bentley, Bilyeu, Cochran, Davidson, Davis, George, Grim, Green, Haley, Hirsch,

Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—20.

Nays—Messrs. Bradshaw, Brown, Burch, Burnett, Fulton, Haines, Palmer and Ross—8.

Absent—Messrs. Apperson and Colvig, (both on leave.)

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 10, a bill to provide for short hand reporters for the several courts of this State, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Bradshaw, Brown, Burch, Burnett, Davis, George, Grim, Haines, Hirsch, Lord and Waldo—11.

Nays—Messrs. Applegate, Bentley, Bilyeu, Cochran, Davidson, Fulton, Green, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson, Watt and Mr. President—17.

Absent—Messrs. Apperson and Colvig, (on leave)—2.

So the bill was lost.

S. B. No. 12, a bill for an act to promote medical science, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were :

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Palmer, Smith, Thompson, Waldo, Watt, and Mr. President—23.

Nays—Messrs. Burch, Haines, Myers, Pennington and Ross—5.

Absent—Messrs. Apperson and Colvig—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 18, a bill for an act to amend an act entitled an act to incorporate the city of Albany, approved October 24,

1864, was read a third time. The question then was, "Shall the bill pass?" The yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—26.

Nays—None.

Absent—Messrs. Apperson, Colvig, George and Watt—4.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

#### REPORTS AND OTHER BUSINESS ON THE TABLE.

S. B. No. 37, a bill for an act to repeal Sections 8 and 9, Title 1, Chapter 1, Miscellaneous Laws of Oregon, providing for the appointment of Assistant Secretary of State and fixing his salary, approved October 2, 1864, and also an act entitled an act to provide clerical aid to the Secretary of State, approved October 26, 1870, and also an act entitled an act to provide for work in the State Department, approved October 22, 1872, and being Sections 24 and 25, Title 2, Chapter 1 of the Miscellaneous Laws of Oregon, was on the table, with the recommendation that it be indefinitely postponed.

Mr. Bradshaw moved that the bill be ordered engrossed and to a third reading to-morrow; which motion was lost.

S. B. No. 54, a bill for an act to authorize State warrants drawn upon swamp land funds to be received in payment for the purchase of swamp lands, having been reported from the Committee on Ways and Means, with the recommendation that it pass, was on the table.

Mr. Myers moved that the bill be ordered engrossed and to a third reading to-morrow.



Pending which, Mr. Hirsch offered the following amendment: Add to Section 1, after the word "same," in line 6 in the order in which they have been presented and endorsed, "presented and not paid for want of funds."

Mr. Hirsch moved to adopt the amendment.

Pending which, Mr. Watt moved to refer to the Committee on Ways and Means; which motion prevailed.

S. B. No. 45, a bill for an act to amend Section 28, Subdivision 3, of General Laws of Oregon, relating to duties of State Treasurer, was on the table, having been heretofore reported from the Committee on Ways and Means, with the following amendments:

Amend Section 1, line 1, printed bill, by inserting between the word or figure "3" and the word "General," the words "Chapter one;" and in printed bill, line "15" strike out the word "6" and insert the word "three."

Mr. Cochran moved to adopt the report; which motion prevailed.

Mr. Myers moved that the bill be engrossed and ordered to a third reading to-morrow; which motion prevailed.

Mr. Palmer moved that when the Senate adjourn, it adjourn to meet on Monday next at 2 o'clock P. M.; which motion prevailed.

S. J. R. No. 3, for purchase of Sixth Oregon Reports, was on the table, with a favorable report from the Committee on Judiciary.

Mr. Burnett offered the following amendment to the resolution: To add at the end thereof the following proviso: *Provided further*, That an appropriation be made for such purchase.

Mr. Burnett moved that the amendment be adopted; which motion prevailed.

The vote was then had on the adoption of S. J. R. No. 3. The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Thompson, Waldo and Mr. President—26.

Nays—Messrs. Palmer, Smith and Watt—3.

Absent—Mr. Colvig (on leave).

So the resolution was adopted.

S. B. No. 26, a bill for an act to amend Section 3 of Chapter 64 of Miscellaneous Laws of Oregon, as published in General Laws of Oregon in 1874, was on the table with the recommendation that it pass, from the Committee on Judiciary.

Mr. George moved that the bill be considered engrossed and ordered to a third reading to-morrow; which motion prevailed.

S. B. No. 25, a bill for an act to amend Sections 1041 and 1042 of Title 8 of Civil Code, was on the table with the report of the Committee on Judiciary, recommending that it pass.

Mr. Burnett moved that the bill be considered engrossed and ordered to a third reading to-morrow; which motion prevailed.

S. B. No. 29, was on the table with the recommendation of the Committee on Judiciary that it pass.

Mr. Waldo moved to order engrossed and to a third reading to-morrow; which motion prevailed.

S. B. No. 32, bill for an act to amend Section 986 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane, having

been favorably reported from the Judiciary Committee, was on the table.

On motion of Mr. Haines, the bill was ordered engrossed for a third reading to-morrow.

S. B. No. 38, a bill for an act to amend Section 8 of Title 1 of Chapter 6 of the Miscellaneous Laws of Oregon, relating to conveyances of real property, as compiled by Matthew P. Deady and Lafayette Lane, having been reported from the Judiciary Committee with the recommendation that it pass, was on the table.

On motion of Mr. Bilyeu, the bill was ordered to be engrossed and read a third time to-morrow.

S. B. No. 21, a bill for an act empowering the State Treasurer to redeem certain outstanding bonds of this State, having been reported from the Committee on Ways and Means with two amendments, was on the table.

Mr. Cochran moved that the first amendment be adopted; which motion prevailed.

Mr. Myers moved that the second amendment be adopted; which motion prevailed.

Mr. Cochran moved that the bill, as amended, be ordered engrossed and read a third time to-morrow; which motion prevailed.

S. B. No. 60, a bill for an act to amend Section 28 of Title 3, Chapter 1, of the Miscellaneous Laws of Oregon, approved June 2, 1859, having been reported from the Committee on Ways and Means, with the recommendation that it be indefinitely postponed, was on the table.

Mr. Burnett moved that the report of the committee be adopted; which motion prevailed, and the further consideration of the bill was therefore indefinitely postponed.

S. B. No. 67, a bill for an act to regulate salmon fishing

on the Clackamas river, having been reported from the Committee on Commerce, with an amendment, was on the table.

Mr. Smith moved that the amendment reported by the committee be laid upon the table; which motion was lost.

Then, on motion of Mr. Davis, the bill was ordered to be engrossed and read a third time to-morrow.

With the unanimous consent of the Senate, a communication was read from Dr. J. C. Hawthorne, inviting Senators to visit and examine the Oregon Hospital for the Insane.

The President also laid before the Senate the report of the Canal Commissioners.

Mr. George moved that the usual number of copies thereof be printed for the use of the Senate.

Pending which, Mr. Myers moved that the report be referred to the Committee on Commerce.

Mr. Smith moved to amend the motion so as to instruct the committee to have the report printed; this amendment was adopted and the motion as amended prevailed.

By unanimous consent, Mr. Myers, from the joint committee appointed under S. C. R. No. 12, providing for an examination into the expense to the State of the Canal Commission, submitted the following

#### REPORT:

SALEM, Sept. 25, 1878.

*Mr. President*—We, the committee appointed under S. C. R. No. 12, find that the actual expense of each of the said Canal Commissioners and Clerks of the said Canal Commission to the State from October 24, 1876, to August 31, 1878, as follows, to-wit:

Allen Parker, President.....	\$1,804 32
James Tatom.....	1,180 82

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B. Jennings .....	\$ 951 82
W. P. Conaway, Secretary 13 $\frac{3}{4}$ months.....	1,708 33
W. L. White, Secretary 8 $\frac{1}{4}$ months.....	625 00
<hr/>	
Total.....	\$6,270 29

The above is the salary, per diem and traveling expenses of the commissioners, and the salary allowed by said commissioners to the secretaries. The foregoing does not include any expense of litigation by the Board, of which the committee has no official information. And the committee further report that they have agreed upon a bill, to accompany this report, which bill will first be introduced in the House.

JOHN MYERS,

Chairman, on part of Senate.

On request of Mr. Myers, the report was referred to the Committee on Commerce, together with the report of the Canal Commissioners.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 26, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 11, requesting certain information of the Secretary of State relating to the Board of Canal Commissioners, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,

Chief Clerk.

H. C. R. No. 11 was read.

On motion of Mr. Hirsch, the resolution was referred to the select committee heretofore appointed under S. R. No. 8.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 25, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 10, petitioning the two houses to meet the O. S. W. S. Association in joint convention on Friday evening, 27th inst, at 7½ o'clock P. M., and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 10 was read.

Mr. Smith moved that the Senate concur therein; which motion was lost.

With the unanimous consent of the Senate Mr. Watt offered S. R. No. 18:

WHEREAS, The statute law in the Code of A. D. 1872 provides that the fiscal year of the State shall close on the day preceding the first Monday in September each year; and

WHEREAS, it is in the spirit, if not in the letter, of said law, that the reports of all executive officers of the State shall be presented to the Legislative Assembly at the opening of the session; and

WHEREAS, A custom has prevailed, and notably in the present session, of delaying the said reports, particularly of the Secretary of State and State Treasurer, which reports are absolutely necessary to intelligible legislation; therefore,

*Resolved*, This Senate must condemn and reprehend this practice, whether the result of delay on the part of those officers or of the State Printer.

Mr. Watt moved the adoption of the resolution.

Mr. Smith moved that the further consideration of the resolution be postponed until 3 o'clock P. M. on Monday next,

and that it be made the special order for that hour ; which motion was lost.

On motion of Mr. Haines, the resolution was referred to the Committee on Printing.

On motion of Mr. Hirsch, the Senate adjourned.

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MONDAY, SEPT. 30, 1878.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (on leave), Fulton, Grim and Thompson.

Prayer was offered by Rev. E. P. Tower, of this city.

The Journal of Friday was read and approved.

The President announced that the order of business to be

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

S. B. No. 3, a bill for an act to amend Section 4 of an act redistricting the State into Senatorial and Representative districts, and fixing the number of Senators and Representatives in the Legislative Assembly, approved Oct. 19, 1872, having been heretofore reported to the Senate from the Committee on Elections without recommendation, was on the table.

Mr. Fulton moved that the bill be ordered engrossed and to a third reading to-morrow ; which motion prevailed.

S. B. No. 7, a bill for an act regulating salmon fisheries on the waters of the Columbia river and its tributaries, having been heretofore reported to the Senate from the Committee on Commerce with sundry amendments, was on the table.

Mr. Smith moved that the report of the committee be adopted; pending which, Mr. Myers moved that the bill be re-referred to the Committee on Commerce; which motion was lost.

The vote then recurring on the motion to adopt the report, the motion prevailed.

Mr. Myers moved to strike out the word "July" wherever it occurs in the bill; which motion was lost.

Mr. Cochran moved to amend the bill by striking out Section 6, but afterward withdrew the motion.

Mr. Haines moved to amend the bill by inserting in line 2, after the word "tributaries," the words "below the Cascades of the Columbia river, and below the Willamette Falls;" which motion prevailed.

Mr. Myers moved to insert "July" in Section one, after the word "April," in second line of printed bill; which motion was lost.

On motion of Mr. Fulton, the bill was ordered engrossed and to a third reading to-morrow.

S. B. No. 11, a bill for an act to create the office of Fish Commissioner for the Columbia river, to license the taking of salmon in the Columbia river and its tributaries, and to encourage the establishment of hatching houses on the waters of the Columbia river, for the propagation of salmon, having been heretofore reported from the Committee on Commerce, with the recommendation that it pass, was on the table.

Mr. Hirsch moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

S. B. No. 52, a bill for an act to amend Sections 1 and 4 of Chapter 1 of Miscellaneous Laws of Oregon, having been



reported from the Committee on Roads and Highways, with the recommendation that it pass, was on the table.

Mr. Myers moved to amend by adding in line three, after "cocklebur," "and Canada and bull thistle;" which motion prevailed.

Mr. Watt moved that the bill be amended in Section 1, line 1 of printed bill, so as to read, after the word Oregon, "as compiled in the Code of A. D. 1872;" which motion prevailed.

Mr. Ross moved to engross and order to a third reading to-morrow; which motion prevailed.

H. C. R. No. 8, to investigate swamp land matter, having been reported from the Committee on Public Lands, with the recommendation that it pass, was on the table.

The President announced the question to be on a motion to concur, which was pending when the resolution was referred; which motion prevailed.

The President appointed as such committee on the part of the Senate, Messrs. Thompson and Ross.

S. B. No. 47, a bill for an act entitled "an act to amend Section 1 of Chapter 38, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, having been reported from the Committee on Mining with the recommendation that it pass, was on the table.

On motion of Mr. Hirsch, the bill was ordered engrossed, to be read a third time to-morrow.

#### SECOND READING OF HOUSE BILLS.

H. B. No. 6, a bill to be entitled an act to authorize Dalles City to dispose of certain lands held by it in trust, and to provide for the disposal of the proceeds thereof, was read a second time, and on motion of Mr. Thompson, was referred to the Committee on Judiciary.

H. B. No. 8, a bill for an act to be entitled an act to enable Dalles City to sell and dispose of a certain tract of land by it purchased from the United States, and designated on the surveyed plat of the United States as parts of sections 3, 4, 9 and 10 in T. 1, N. of R. 13 East of the Willamette Meridian, as cash entry No. 1,161, and to provide for the disposition of the proceeds therefrom, was read a second time, and on motion of Mr. Thompson, was referred to the Committee on Judiciary.

H. B. No. 24, a bill for an act to amend an act entitled "an act regulating enclosures," approved Oct. 22, 1872, was read a second time.

Mr. Palmer moved that the bill be ordered to a third reading to-morrow; pending which, on motion of Mr. Cochran, was referred to the Committee on Counties.

H. B. No. 31, a bill for an act entitled an act to incorporate the town of Jacksonville, approved October 19, 1860, was read a second time.

On motion of Mr. Ross, the bill was ordered read a third time to-morrow.

H. B. No. 34, a bill for an act to incorporate the town of Lebanon, Linn County, State of Oregon, was read a second time, and on motion of Mr. Haley, was referred to a select committee consisting of the Senators from Linn County.

H. B. No. 47, a bill for an act to amend Title 1 of Chapter 18 of the Miscellaneous Laws of the State of Oregon, in regard to estrays, was read a second time, and on motion of Mr. Grim, was referred to the Committee on Counties.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 18, a bill to be entitled an act to protect the stock growing interests of the State of Oregon, was read a

third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Grim, Green, Haines, Haley, Hirsch, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—Messrs. Cochran and Jasper—2.

Absent—Mr. Colvig (on leave)—1.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 27, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 12, creating a joint committee to invite Postmaster General Key to visit the Capital of the State, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 12 was read.

Mr. Grim moved that the Senate concur therein; pending which, on motion of Mr. Haines, the resolution was amended by inserting after the word "arrival" the words "in this city."

The question then recurring on the motion to concur in the resolution, it prevailed.

The President laid before the Senate a communication from the Secretary of State transmitting a joint resolution adopted at the last session of the Legislative Assembly proposing an amendment to the Constitution of the State, being S. J. R. No. 15 of that session, as follows :

## S. J. R. No. 15.

*Resolved by the Senate and House of Representatives of the State of Oregon (a majority of all the members elected to each House concurring):*

That the following article as an amendment to the Constitution of the State of Oregon be proposed and referred to the next Legislative Assembly, and if the same shall be concurred in by a majority of all the members elected to each house thereof, and shall afterward be ratified by a majority of the Electors of the State, then the same shall to all intents and purposes, be a part of the Constitution of the State of Oregon:

Article 1. That Section 14 of Article 2 of the Constitution of the State of Oregon be and the same is hereby abrogated, and in lieu thereof Section 14 of Article 2 of Constitution of the State of Oregon shall be as follows: General elections shall be held on Tuesday next after the first Monday of November biennially.

Passed the Senate, October 3, 1876.

JOHN WHITEAKER,  
President of the Senate.

Concurred in by the House, Oct. 10, 1876.

J. K. WEATHERFORD,  
Speaker of the House.

Mr. Haines moved to adopt the resolution; pending which, on motion of Mr. Watt, the resolution was referred to the Committee on Federal Relations.

On motion of Mr. Myers, the Senate adjourned.

TUESDAY, OCT. 1, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (on leave), Grim—2.

The Journal of yesterday was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Ross offered a petition for the relief of A. P. Dennison.

Mr. Bentley moved that the petition be referred to the Committee on Claims; which motion prevailed.

Mr. Burch presented a petition from many citizens of Oregon asking for an investigation of the school fund of this State.

Mr. Burch moved that the petition be referred to the Committee on Education; which motion prevailed.

The President presented a petition from the citizens of Lane County, asking that no appropriation be made except for the actual, lawful and necessary expenses of the State.

Mr. Burnett moved that the petition be referred to the Committee on Ways and Means; which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 26, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred H. J. R. No. 6, instructing the Secretary of State to procure insurance against fire on the State Capitol

building and contents, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment with the recommendation that it pass as amended: Strike out all after "the," in the second line, and insert in lieu thereof the following: "Governor and Secretary of State be and are hereby instructed to procure insurance against loss or damage by fire at the lowest possible rates for such term and sum, and in such companies as they may deem for the best interest of the State, on the State Capitol Building, State Library, furniture, carpets, office and other fixtures belonging to the State, contained in said building.

Respectfully submitted,

JOHN BURNETT,

Chairman.

Mr. Burnett moved to adopt the report; which motion prevailed.

A vote was then had on the adoption of the resolution. Those voting yea were:

Messrs. Bradshaw, Burch, Burnett, Davis, Fulton, George, Grim, Haines, Hirsch, Lord, Waldo, Watt and Mr. President—13.

Those voting nay were: Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Cochran, Davidson, Green, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith and Thompson—16.

Absent—Mr. Colvig (on leave)—1.

So the Senate refused to concur.

Mr. Burnett also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 26, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom

was referred S. B. No. 23, a bill for an act defining the rights and fixing the liabilities of married women, and the relations between husband and wife, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment and recommend that the bill do pass as amended :

Strike out Section 1 and substitute in lieu thereof the following :

Section 1. The property and pecuniary rights of every married woman at the time of her marriage, or afterwards acquired by gift, devise or inheritance, shall not be subject to the debts or contracts of her husband, and she may manage, sell, convey and devise the same by will, to the same extent and in the same manner that the husband can property belonging to him. Respectfully submitted,

JOHN BURNETT,  
Chairman.

On motion of Mr. Burnett, the report was adopted; and on the further motion of Mr. Fulton, the bill was ordered engrossed and to a third reading to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 41 and S. B. No. 44:

REPORT :

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 26, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred the following bills, to-wit :

S. B. No. 41, a bill for an act to repeal Section 776 of an act entitled an act to provide a Code of Civil Procedure, approved October 11, 1862.

Also, S. B. No. 44, a bill for an act to repeal an act entitled

an act providing for the traveling and incidental expenses and compensation of the Justices of the Supreme and Circuit Courts of the State of Oregon, approved October 17, 1872, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that they do not pass.

Respectfully submitted,      JOHN BURNETT,  
Chairman.

Mr. Bradshaw, from the same committee, submitted the following minority report on S. B. No. 44:

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 26, 1878. }

*Mr. President*—The minority of your committee to whom was referred S. B. No. 44, having had the same under consideration, would respectfully recommend that said bill do pass, and assign as a reason therefor:

1. That the law that said bill proposes to repeal was enacted, and is in direct violation of the plain provision of Article 8, Section 1, of the Constitution of the State of Oregon, providing for the salary of the Justices of the Supreme and Circuit Courts.

2. That while the minority of your committee is of the opinion that the compensation provided by the law sought to be repealed by this bill is not excessive, nevertheless, it is in direct violation of the provision of the Constitution referred to above, and a dangerous precedent, and if continued, would open wide the gate for speculation and fraud, and be dangerous to the best interests of the people and State.

3. If the compensation provided for by the Constitution for the Justices of the Supreme and Circuit Courts be in-



sufficient (which I think they are), then amend the Constitution so that ample provisions can be made for the Justices and all other State officers without a continued violation of the organic law of the State.

Respectfully submitted, E. C. BRADSHAW,  
One of Judiciary Committee.

On motion of Mr. Haines, the further consideration of S. B. No. 41 was indefinitely postponed.

Mr. Burnett moved that the further consideration of S. B. No. 44 be also indefinitely postponed; pending which, on motion of Mr. Burnett, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate met at the usual hour and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Colvig (absent on leave), Hirsch and Waldo—3.

The President announced that at the time the Senate adjourned there was a motion pending to indefinitely postpone S. B. No. 44.

Messrs. Smith and Apperson demanded the yeas and nays, and they were called with the following result :

Yeas—Messrs. Bilyeu, Brown, Burnett, Davidson, Davis, Fulton, George, Green, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington and Waldo—17.

Nays—Messrs. Apperson, Applegate, Bentley, Bradshaw, Burch, Cochran, Grim, Ross, Smith, Thompson, Watt and Mr. President—12.

Absent—Mr. Colvig, (on leave)—1.

So the bill was indefinitely postponed.

Mr. Burnett also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 26, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 46, a bill for an act to amend Section 766 of Title 7, of the Code of Civil Procedure, approved October 11, 1862, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Burnett moved that the bill be considered engrossed and ordered to a second reading to-morrow; which motion prevailed. And also, the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 27, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 22, a bill for an act to amend Sections 166 and 167 of Chapter 16 of Title 1 of the Code of Civil Procedure, as compiled by Matthew P. Deady and Lafayette Lane, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, and recommend that the bill do pass as amended:

Amend Section 166 by inserting after the word "given," in line six, printed bill, "*Provided*, That a neglect or refusal on the part of the defendant in any criminal action to testify, shall not be used against such defendant in the trial

of the action, or referred to by counsel for the prosecution in the argument of the case before the court or jury."

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Burnett moved to adopt the report of the committee; which motion prevailed.

Mr. George moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

And also the following

REPORT:

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 27, 1878. }

• *Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 28, a bill for an act to amend Section 1121, Title 6, Chapter 15 of the Code of Civil Procedure of the State of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, relating to conveyances executed by executors and administrators.

Also, S. B. No. 39, a bill for an act to amend Section 1121 of Title 6, of Chapter 15 of the Code of Civil Procedure of the General Laws of Oregon, relating to conveyances by executors and administrators, have had the same under consideration, and have instructed me to report S. B. No. 39 back to the Senate with the following amendments, as a substitute for S. B. 28, and recommend that the bill do pass as amended:

Amend Section 1121 of S. B. No. 39 by inserting after the word "court," in the second line, printed bill, "and the date thereof." Insert after the word "conveyance," in the third line, printed bill, "and the date thereof."

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Smith moved to adopt the report; which motion prevailed.

On the further motion of Mr. Smith, the bill was ordered engrossed and to a third reading to-morrow.

And also the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 42, a bill for an act to amend Section 218 of an act entitled an act to provide a Code of Criminal Procedure, and to define crimes and their punishment, approved Oct. 11, 1864.

Also, S. B. No. 70, a bill for an act to amend Section 35, Chapter 42, Miscellaneous Laws, providing for the election of Justices of the Peace, approved Oct. 21, 1874, have had said bill under consideration, and have instructed me to report the same back to the Senate with the recommendation that they do not pass.

Respectfully submitted,

JOHN BURNETT,

Chairman.

Mr. Myers moved that the Senate indefinitely postpone S. B. No. 42; which motion prevailed; and on the further motion of Mr. Watt, S. B. No. 70 was indefinitely postponed.

And also the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 63, a bill for an act to provide for liens for laborers, common carriers and other persons on personal property.

Also, S. B. No. 20, a bill for an act to amend Section 17 of an act to provide liens of mechanics, laborers, material men, and others, and prescribing the manner of their enforcement, approved October 28, 1874, have had the same under consideration, and have instructed me to report said S. B. No. 63 back to the Senate with the following amendment: Insert after the word "property" in second line printed bill, "at the request of the owner or lawful possessor thereof," as a substitute for said S. B. No. 20, and recommend that the same do pass as amended.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Haines moved that the report of the committee on S. B. No. 63 be adopted; which motion prevailed; and on the further motion of Mr. Haines, the bill was ordered engrossed and to a third reading to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 69:

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your committee on Judiciary, to whom was referred S. B. No. 69, a bill to establish houses of correction and to provide for discipline therein, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

On motion of Mr. George, S. B. No. 69 was ordered engrossed for a third reading to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 65 and S. B. No. 76 :

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your committee on Judiciary, to whom was referred S. B. No. 65, a bill for an act to amend an act entitled "An act to provide for the times and places for holding the Supreme, Circuit and County Courts," approved October 28, 1872.

Also, S. B. No. 76, a bill for an act to amend Section 575 of Title 1 of Chapter 7 of the Code of Civil Procedure, relating to the writ of review, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and recommend that they do pass as amended.

Amend S. B. No. 65 by striking out "Clackamas," in the second line of Section 7, printed bill, and inserting the word "Clackamas" after the word "Washington," in line six. Insert "July" after the word "April," in line four. And strike out "the second Monday in July" after the word "and," in line four, and insert in lieu thereof, "November."

Amend S. B. No. 76 by striking out all after the word "*Provided*," in Section 575, and inserting in lieu thereof the following: "That the remedy by writ of review shall be concurrent with appeal, and a party to any action or proceeding in a Justice's Court, or in the County Court, except in the transaction of county business, may, at his option, have the decision of such Justice of the Peace or County Court, in

such action or proceeding, reviewed by appeal or by writ of review."

Respectfully submitted,

JOHN BURNETT,

Chairman.

Mr. Haines moved the adoption of the amendments reported by the committee to S. B. No. 65 ; which motion prevailed.

On the further motion of Mr. Haines, the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. George, the amendments reported by the committee to S. B. No. 76, were adopted.

On motion of Mr. Burnett, the bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Hirsch moved that the Senate now adjourn ; which motion was lost.

Mr. Burnett also submitted the following report from the Judiciary Committee, on S. B. No. 73 and S. B. No. 80 :

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 27, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 73, a bill for an act to amend Section 313 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane.

Also, S. B. No. 80, a bill to authorize the disposal of duplicates in the State Library, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that they pass.

Respectfully submitted,

JOHN BURNETT,

Chairman.

On motion of Mr. George, S. B. No. 73 was ordered engrossed for a third reading to-morrow.

On the further motion of Mr. George, S. B. No. 80 was also ordered to be engrossed and read a third time to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 74:

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your committee on Judiciary, to whom was referred S. B. No. 74, a bill for an act to amend an act entitled "An act providing for private incorporations and the appropriation of private property therefor," approved October 14, 1862, and an act entitled "An act to amend an act entitled 'An act providing for private incorporations and the appropriation of private property therefor,' approved Oct. 14, 1862," approved Oct. 22, 1870, have had the same under consideration and have instructed me to report the same back to the Senate with the following amendment, and recommend that the bill pass as amended:

Amend Section 24 by striking out the words "one hundred," in the second line, printed bill, and inserting in lieu thereof, "sixty." Respectfully submitted,

JOHN BURNETT,  
Chairman.

On motion of Mr. George, the amendment recommended by the Committee to S. B. No. 74, was adopted.

On the further motion of Mr. George, the bill was ordered engrossed for a third reading to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 61:



## REPORT:

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Oct. 1 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 61, a bill for an act to amend Sections 156 and 273 of the Code of Civil Procedure of the State of Oregon, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it pass.

Respectfully submitted,

JOHN BURNETT,  
Chairman.

On motion of Mr. George, S. B. No. 61 was ordered to be engrossed and read a third time to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 2, S. B. No. 15 and S. B. No. 16:

## REPORT:

CHAMBERS OF JUDICIARY COMMITTEE,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 2, an act to amend Section 4 of Title 2 of Chapter 1 of the Code of Civil Procedure of the General Laws of Oregon.

Also, S. B. No. 15, a bill for an act to amend Section 148, Title 15, Chapter 1, of the General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, relating to attachments.

Also, S. B. No. 16, a bill for an act to amend Sections 4, 5 and 17 of the Code of Civil Procedure of Oregon, have had the same under consideration, and have instructed me to

report the same back to the Senate with the recommendation that they do not pass.

Respectfully submitted,

JOHN BURNETT,

Chairman.

On motion of Mr. Haines, S. B. No. 2 was laid on the table.

Mr. Hirsch moved that S. B. No. 15 be ordered engrossed and read a third time to-morrow; which motion was lost.

Mr. Waldo moved that S. B. No. 16 be ordered engrossed and read a third time to-morrow; pending which, Mr. George moved to amend the bill by inserting in Section 17, after the word "insane," the following: "3. A married woman;" which motion prevailed.

Mr. Haines moved further to amend the bill by inserting in Section 17, after the words "A married woman," the following: "4. Imprisoned on a criminal charge, or in execution under the sentence of a court for a term less than his natural life;" which motion prevailed.

The question then recurring on the motion to order the bill engrossed for a third reading to-morrow, a vote was taken, and the motion prevailed.

On motion of Mr. Hirsch, the Senate adjourned.

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WEDNESDAY, OCTOBER 2, 1878.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was colled, and all the Senators were present except Messrs. Colvig (absent on leave), Fulton, Grim, Haley and Palmer.

Prayer was offered by Rev. Mr. Chambers, of this city.  
The Journal of yesterday was read and approved.

## REPORTS OF STANDING COMMITTEES.

Mr. Cochran, Chairman of the Committee on Ways and Means, to whom was referred S. B. No. 4, a bill for an act to prescribe the duties of the State Treasurer and the Governor, in certain respects, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Ways and Means, to whom was referred S. B. No. 4, have had the same under consideration and have instructed me to report the accompanying substitute therefor.

R. B. COCHRAN,  
Chairman.

The proposed substitute for S. B. No. 4 was read, and on motion of Mr. Haines, was adopted as such substitute, and took its place upon the calendar as S. B. No. 104, a bill for an act to reorganize the administrative department and to provide clerical aid therein, and to repeal Sections 3, 24 and 25 of Title 2, Chapter 1 of the revised statutes of 1872, as compiled by Matthew P. Deady and Lafayette Lane, and to provide for monthly exhibits of the condition of the Treasury, and for other purposes, which having been read a first time, passed to a second reading without a question.

Mr. Cochran also submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Ways and Means,

to whom was referred S. B. No. 64, a bill for an act to provide for the care and keeping of the Insane, and to repeal Chapter 26 of the Miscellaneous Laws of Oregon of the Code of A. D. 1872, have had the same under consideration and have instructed me to report the same back with the following amendments:

First—By striking out the word “ten” and insert the word “four.”

Second—In line four, strike out “October” and insert “December.”

Third—Line four, strike out “1879” and insert “1878.”

Fourth—In line four, strike out “October” and insert “December.”

Fifth—Same line, strike out “1879” and insert “1882.”

Sixth—Same Section, line five, strike out the words “gold coin.”

Seventh—In Section 2, line five, strike out the word “sixty” and insert “twenty.”

Eighth—Same line, strike out the word “ninety” and insert the word “thirty.”

Ninth—In Section 3, line twenty-five, insert after the word “examination” the word “and ;” also strike out in same line the words “and sending.”

Tenth—Section 8, line four, strike out the words “and sending.”

Eleventh—Line eight, strike out the word “sending.”

Twelfth—In Section 10, line 5, strike out the words “in gold coin.”

Thirteenth—Section 12, strike out all of Section 12 to and including the word “time” in line three.

Fourteenth—In line four, strike out the word “now.”

Fifteenth—Insert after the word “asylum” in same line the words “at the taking effect of this act.”

Sixteenth—In line five, strike out the word “April” and insert “January.”

Seventeenth—Section 16, strike out all after the word “State” in line four, to and including the word “Insane” in line five. And as so amended recommend the bill do pass.

R. B. COCHRAN,  
Chairman.

Mr. Cochran moved that the Senate adopt the first amendment.

Pending which, Mr. Myers moved to refer to the Committee of the whole Senate; which motion was lost.

The vote recurring upon the motion of Mr. Cochran to adopt the first amendment, the motion prevailed.

Mr. Cochran moved that the Senate adopt the second amendment; which motion prevailed.

Mr. Cochran also moved that the Senate adopt the third amendment; which motion prevailed.

Mr. Watt moved that the Senate adopt the fourth amendment; which motion prevailed.

Mr. Watt moved that the Senate adopt the fifth amendment; which motion prevailed.

Mr. Watt moved that the Senate adopt the sixth amendment; which motion prevailed.

Mr. Watt moved the adoption of the seventh amendment; which motion prevailed.

Mr. Watt also moved that the Senate adopt the eighth amendment; which motion prevailed.

Mr. Watt further moved that the Senate adopt the ninth amendment; which motion prevailed.

Mr. Watt moved the adoption of the tenth amendment; which motion prevailed.

Mr. Watt moved that the eleventh amendment be adopted; which motion prevailed.

Mr. Watt moved that the Senate adopt the twelfth amendment; which motion prevailed.

Mr. Watt also moved that the Senate adopt the thirteenth amendment; which motion prevailed.

Mr. Watt moved that the Senate adopt the 14th amendment; which motion prevailed.

Mr. Watt moved that the Senate also adopt the 15th amendment; which motion prevailed.

Mr. Watt moved that the Senate adopt the 16th amendment; which motion prevailed.

Mr. Watt also moved that the Senate adopt the 17th amendment; which motion prevailed.

Mr. Ross moved to amend by striking out all after the enacting clause; but afterwards withdrew the motion.

Mr. Watt moved that the bill be ordered engrossed and to a third reading to-morrow; pending which, Mr. Apperson moved to refer the bill, together with the amendments, to committee of the whole Senate.

The President ruled the motion out of order, upon the grounds that the Senate had rejected a similar motion.

Pending the order to engross and read a third time, Mr. Myers moved that further consideration of the bill be postponed until two o'clock to-morrow; which motion prevailed.

Mr. Smith, Chairman of Committee on Claims, to whom was referred S. B. No. 48, a bill for an act to provide for the payment of the claims arising from the Indian war of 1878, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 29, 1878. }

*Mr. President*—Your Committee on Claims, to whom was referred S. B. No. 48, beg leave to report the same back to the Senate with amendment, and recommend that the bill as amended, do pass.

Amend by inserting in line 26, page 4, the figures 2,800.

J. H. SMITH,  
Chairman.

Mr. Smith moved that the report be adopted; which motion prevailed.

Mr. Thompson moved to amend by inserting "1877 and" between the word "in" and the year 1878, in the enacting clause and first line of preamble.

Mr. Cochran moved to amend the amendment by inserting the years 1855 and 1856; pending which, on motion of Mr. Fulton, the Senate adjourned.

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AFTERNOON SESSION.

The Senate met at the usual hour, and was called to order by the President.

The roll was called and all the Senators were present except Mr. Colvig (absent on leave.)

The President announced that the amendment offered by Mr. Cochran to the amendment offered by Mr. Thompson to S. B. No. 48, having been pending at the time of adjournment, was before the Senate; which motion was lost.

The vote then recurring on the amendment offered by Mr. Thompson, it prevailed.

Mr. Smith moved to order engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Smith, Chairman of the Committee on Claims, to whom was referred S. B. No. 56, a bill for the relief of John Flanigan, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Claims, to whom was referred S. B. No. 56, beg leave to report the same back with the recommendation that it pass.

J. H. SMITH,  
Chairman.

Mr. Haines moved to order the bill engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Bilyeu, Chairman of the Committee on Corporations, to whom was referred S. B. No. 34, a bill for an act amendatory of and supplemental to an act entitled an act to incorporate the town of Marshfield, approved October 24, A. D. 1874, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Corporations, to whom was referred S. B. No. 34, have had the same under consideration and report the same back to the Senate with the recommendation that it pass as amended.

Amendment—Strike out the three last words of the second line and the first two words in the third line of Section 3 on page 16, and insert the words “a tax-payer.”

W. R. BILYEU,  
Chairman.



Mr. Brown moved to adopt the amendment; which motion prevailed.

Mr. Brown further moved to order S. B. No. 34 to be engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Bilyeu also submitted the following report on S. B. No. 79, a bill for an act to incorporate the town of Amity in Yamhill County, Oregon.

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Corporations, to whom was referred S. B. No. 79, have had the same under consideration, and report the same back to the Senate with the following amendment:

Strike out all of the 9th line in Section 5 after the first word, and insert the words, "a tax-payer;" and as amended recommend that the bill do pass. W. R. BILYEU,

Chairman.

Mr. Burch moved that the amendment be adopted; which motion prevailed.

Mr. Burch moved to order engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Bradshaw, Chairman of Committee on Counties, to whom was referred H. B. No. 47, a bill for an act to amend Title 1 of Chapter 18 of the Miscellaneous Laws of the State of Oregon, in regard to estrays, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 2, 1878. }

*Mr. President*—Your Committee on Counties, to whom

was referred H. B. No. 47, have had the same under consideration, and have instructed me to report the same back with the recommendation that it pass.

E. C. BRADSHAW,  
Chairman.

Mr. Bradshaw moved that the bill be ordered to a third reading to-morrow; which motion prevailed.

Mr. Bradshaw also substituted the following report on H. B. No. 24, a bill for an act to amend an act entitled an act regulating enclosures, approved Oct. 22, 1872:

REPORT :

SENATE CHAMBER,  
SALEM, Oct. 2, 1878. }

*Mr. President*—Your Committee on Counties, to whom was referred H. B. No. 24, have had the same under consideration, and recommend that the same do pass.

E. C. BRADSHAW,  
Chairman.

Mr. Bradshaw moved to order engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Bradshaw, chairman of committee to whom was referred the petition of the citizens of Yamhill County, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 2, 1878. }

*Mr. President*—Your Committee on Counties to whom was referred the petition of the citizens of Yamhill County, praying for the repeal of the fence law, beg leave to report that we have had the same under consideration and are of the opinion that such a law would be unwise and impractical

at this time, and therefore recommend that no law be passed at this time in relation to this matter.

Respectfully submitted, E. C. BRADSHAW.

Chairman.

Mr. Bradshaw moved to adopt the report of the committee; which motion prevailed.

Mr. Davis, Chairman of the Committee on Commerce, to whom was referred S. B. No. 51, a bill for an act to facilitate and regulate the transportation of logs, lumber, timber and other floatables on the rivers of this State and their tributaries, submitted the following:

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Commerce have had under consideration S. B. No. 51, and would recommend that the bill be passed. Respectfully submitted,

T. A. DAVIS,

Chairman.

Mr. Bentley moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Davis, chairman of the committee to whom was referred S. B. No. 58, a bill for an act to amend Section 700 of Chapter 8 of Title 2 of the Criminal Code of the State of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Commerce, to whom

was referred S. B. No. 58, have had the same under consideration and would recommend that the bill do pass.

T. A. DAVIS,  
Chairman.

Mr. Fulton moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Davis, Chairman of the Committee on Commerce, to whom was referred S. B. No. 68, a bill to license selling by sample, also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Commerce, to whom was referred S. B. No. 68, have had the same under consideration and would recommend the passage of the same.

T. A. DAVIS,  
Chairman.

Mr. Hirsch moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Brown, from the Committee on Commerce, submitted the following majority report on S. B. No. 31, a bill for an act to regulate the measurement and survey of lumber in the log and fix the compensation therefor.

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—The undersigned, majority of your Committee on Commerce, to whom was referred S. B. No. 31, have had the same under consideration, and would respectfully recommend the following amendment:

In Section 7, insert after the word imprisonment, in line

7, "for a period not more than ninety and not less than thirty days," and in Section 9, insert after the word imprisonment, in line 6, the words, "for a period not more than ninety and not less than thirty days."

With the above amendments, your committee recommend that the bill pass. (Signed,)

A. G. BROWN,  
C. W. FULTON,

Mr. Davis, from the Committee on Commerce, submitted the following minority report on S. B. No. 31:

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 2, 1878. }

*Mr. President*—As a member of the Committee on Commerce, I would beg leave to submit a minority report on S. B. No. 31, and recommend that it do not pass.

Respectfully submitted,  
T. A. DAVIS,  
Chairman.

Mr. Palmer moved to adopt the first amendment offered by the majority of the Committee on Commerce; which motion prevailed.

Mr. Palmer also moved to adopt the second amendment; which motion prevailed.

Mr. Brown moved that S. B. No. 31 be ordered engrossed and read a third time to-morrow; which motion prevailed.

Mr. Brown, chairman of the Committee on Education, to whom was referred S. B. No. 14, a bill to amend an act entitled an act to establish a uniform course of public instruction in the common schools of this State, approved October 29, 1872, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 14, have had the same under consideration and beg leave to report the bill back to the Senate with the recommendation that it do pass.

A. G. BROWN.

Chairman.

Mr. George moved that the bill be ordered engrossed and to a third reading to-morrow ; which motion prevailed.

Mr. Brown, Chairman of Committee on Education, to whom was referred S. B. No. 77, a bill for an act to establish a uniform course of public instruction in the common schools of this State, approved Oct. 29, 1872, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 77, have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

A. G. BROWN,

Chairman.

Mr. George moved that the bill be ordered engrossed and to a third reading to-morrow ; which motion prevailed.

Mr. Brown also submitted on the memorial of the National Board of Trade, for the establishing of schools of art and science for laboring men and their children, the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your committee to whom was referred

memorial of the National Board of Trade, beg leave to report the same back to the Senate without recommendation.

A. G. BROWN,

Chairman.

Mr. Myers, chairman of the Committee on Engrossments, reported S. B's No. 21, 25, 29, 32, 38, 45, 67 and 7 correctly engrossed; also, S. B's No. 11, 16, 80, 61, 73, 22, 39, 52, 23, 76, 47 and 3 were correctly engrossed.

Mr. Thompson, chairman of the Committee on Public Lands, submitted the following

REPORT:

SENATE CHAMBER,

SALEM, Oct. 26, 1878. }

*Mr. President*—Your committee to whom was referred the petition of B. F. Hutchinson for an appropriation to survey swamp lands named therein, would respectfully report the same back to the Senate with the opinion that no such appropriation should be made.

S. G. THOMPSON,

Chairman.

Mr. Bentley, chairman of committee to whom was referred H. B. No. 10, a bill for an act to prohibit the employment of Chinese laborers on the improvements of streets and other public works of this State, submitted the following

REPORT:

SENATE CHAMBER,

SALEM, Sept. 26, 1878. }

*Mr. President*—Your Committee on Federal Relations, to whom was referred H. B. No. 10, have had the same under consideration, and have directed me to report the same back with the following amendment:

At the close of Section 1, after the word "contractor," add: "*Provided*, That nothing in this act shall be so construed as to prevent any Chinese laborer working his own or any other Chinaman's property or poll road tax, under the direction of any Supervisor of roads in this State;" and as thus amended, would recommend it to the favorable consideration of the Senate.

L. BENTLEY,

Chairman.

Mr. Bentley moved that the amendments be adopted; which motion prevailed.

Mr. Watt moved that the bill be further amended so as to read, "*Provided*, That no Chinaman shall be authorized or permitted to employ any white man, negro, or Indian, as a substitute in working out his road, property, or poll tax;" which motion was lost.

Mr. George moved that the bill be ordered to a third reading to-morrow; which motion prevailed.

Mr. Bentley also submitted the following report on H. J. M. No. 4, relating to the extinguishing of the Indian title to the Umatilla Reservation.

REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your Committee on Federal Relations, to whom was referred H. J. M. No. 4, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment:

Strike out "some suitable place in the Eastern part of Washington Territory," and insert in lieu thereof "a suitable place in some Indian Territory," and recommend its adoption. Respectfully submitted,

L. BENTLEY,

Chairman.



Mr. Bentley moved that the Senate adopt the amendment; which motion prevailed.

Mr. Bentley further moved that the Senate concur in the adoption of H. J. M. No. 4, upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—27.

Nays—Mr. Fulton—1.

Absent—Messrs. Colvig (on leave), and Watt—2.

So the resolution was adopted.

Mr. Haines, chairman of the Committee on Assessments, to whom was referred S. B. No. 43, a bill to amend Section 16 of Title 3 of Chapter 57, Miscellaneous Laws of Oregon, relating to the assessments of property and the levy and collection of taxes, as compiled by Matthew P. Deady and Lafayette Lane, reported the following amendment:

Amend Section 16 of bill by striking out all of Section from the word "following," in line 12, and inserting "it shall be the duty of the Assessor to deduct to the amount of indebtedness within this State of any person assessed, from that portion of his or her personal property, which consists of debts due or to become due from solvent debtors whether on contract, note, mortgage or otherwise, such indebtedness to be given under oath."

Mr. Myers moved to adopt the amendment; which motion prevailed.

Mr. Haines moved that S. B. No. 43 be referred to the committee of the whole Senate; which motion prevailed.

## REPORTS OF SELECT COMMITTEES.

Mr. Burch, chairman of the select committee, to whom was referred S. B. No. 71, a bill for an act to amend an act to prevent swine from running at large in certain counties in this State, approved Oct. 20, 1874, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your select committee, to whom was referred S. B. No. 71, have had the same under consideration and herewith return the same to the Senate and recommend the following amendments:

Strike out Section 1 and insert the following:

Section 1. That Sections 1, 2 and 8 of an act to prevent swine from running at large in certain counties of this State, approved Oct. 20, 1874, be and the same are hereby amended so as to read as follows:

After "Section 2," insert the following:

Section 8. All moneys paid into the County Treasury under the provisions of this act, shall become a part of the common school fund of said counties of Benton, Clatsop, Curry, Linn County (south of the Santiam river), Marion, Polk, Tillamook, Umatilla, Wasco, Washington and Yamhill.

With the above recommendations, we respectfully recommend the passage of the bill.

C. H. BURCH.

WM. WALDO.

Committee.

Mr. Palmer moved to adopt the amendment; pending which, Mr. Watt moved to re-commit the bill to the select committee with instructions to amend so as to provide that

the moneys collected in each county shall be paid into the county treasury of said county, as a part of the school fund thereof; which motion prevailed.

Mr. Haley, from the committee to whom was referred H. B. No. 34, a bill for an act to incorporate the town of Lebanon, Linn county, Oregon, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 30, 1878. }

*Mr. President*—Your committee, to whom was referred H. B. No. 34, have had the same under consideration and ask leave to report the same back to the Senate with the following amendment:

After the word Oregon, in line two, page one, insert "be it enacted by the Legislative Assembly of the State of Oregon," and recommend that the bill pass.

S. D. HALEY,  
Chairman.

Mr. Haley moved to adopt the amendment; which motion prevailed.

And on the further motion of Mr. Haley, the bill was ordered engrossed and to a third reading to-morrow.

Mr. Bilyeu, from the joint committee appointed to visit the Insane Asylum and to inquire into the condition, care and treatment of the insane, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 2, 1878. }

*Mr. President*—We, your committee appointed to visit and examine into the condition of the insane of the State of Oregon, inquire into their care and treatment and also as to the best method of providing for them; to receive and con-

sider propositions on this subject, etc., submit the following report:

Whole number of State patients in hospital for insane, September, 1878, as found by actual count of committee:

Males.....	166
Females.....	67

Total.....	233
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Number of rooms in hospital, as found by committee:

Dormitories in first male ward.....	36
Dormitories in second male ward.....	32
Dormitories in third male ward.....	36
	<u>104</u>

Dormitories in first female ward.....	15
Dormitories in second female ward.....	28
	<u>43</u>

Dining rooms for female wards.....	1
Dining rooms for male wards.....	3
	<u>4</u>

For male attendants, 3 rooms each ward.....	9
For female attendants, 3 rooms each ward.....	6
	<u>15</u>

Office.....	1
Dining room for Doctors and Steward.....	1
Rooms for Doctor's family.....	2
Rooms for Steward's family.....	1
	<u>5</u>

Bakery, cook-houses, wash-houses, store-room, cellars, etc., not enumerated, but seem to be sufficient for the purpose.

Your committee find that whilst the dormitories are clean and ample for one patient each, yet the number of patients exceed the number of dormitories, there being but 145 sleeping rooms for 233 patients; consequently, we find in many instances two patients occupying the same room, a circumstance inevitable without a large increase of rooms or decrease of the number of patients. We feel it our duty to express reprehension of the practice, unless in very rare and exceptional cases.

We find that the moneys paid to Dr. Hawthorne from December 1, 1876, inclusive to September 1, 1878, by individuals, and which has been credited to the State of Oregon in his bills now on file in the office of Secretary of State, are as follows:

Dec. 1, 1876, cash on account of J. Voss.....	\$ 48 00
Dec. 1, 1876, cash on account of J. Voss.....	27 64
Dec. 11, 1876, cash on account of Elmira Bunn....	53 50
Dec. 11, 1877, cash on account of Elmira Bunn....	286 75
May 23, 1878, cash on account of Mary A. Githens	9 40
Total paid to Dr. Hawthorne.....	<u>\$523 79</u>

In pursuance of a request by the committee, the Secretary of State furnishes the following account of moneys received of individuals from December 1, 1876, to September 1, 1878, for keeping insane patients, as shown by the books of the Secretary of State:

August 20, 1877, cash on account of Elsie Beatty..	\$200 00
Sept. 11, '77, cash on account of D. H. Thompson.	44 00
Nov. 12, 1877, cash on account of J. Reed.....	50 00
May 17, '78, cash on ac. of Matilda Applegate....	44 00

July 17, '78, cash on ac. of Matilda Applegate....\$ 44 00

Total .....\$382 00

Whole amount paid by individuals towards keeping insane from December 1, 1876, to September 1, 1878, \$905.79.

We also find that after the amounts paid to Dr. Hawthorne, by individuals, have been deducted in his bills from December 1, 1876, to September 1, 1878, the amount charged to the State is \$115,683 75.

Of this sum, there is a balance of \$10,647 86 in excess of the appropriation and which still remains unpaid.

Dr. C. C. Strong, State Visiting Physician, was called before the committee and being interrogated, the following is a synopsis of his statement :

The law requires me to visit the Asylum once per month ; I have made it a rule to visit when Dr. Hawthorne was not expecting me ; have never visited an asylum where patients were better cared for ; it does not enter into my duty to prescribe for patients ; I am aware how many have been discharged ; think patients are as well kept as they could be ; think the beds and rooms are amply large ; think the outdoor enclosures are large enough for all necessary purposes ; females have outside grounds ; I have sent a report to Governor the 1st of September for the past two years ; food is the very best quality ; have never been in a hotel where I had rather eat than to eat the food here prepared ; think patients are as well fed as at any other asylum in the United States ; I could not say at the present time how many patients are here, but could tell at the end of a quarter ; think that every patient in asylum are fit subjects for it ; a number of inebriates are in asylum ; I think they would not have as good

treatment in poor houses on account of the medical attention they require.

The majority of doctors are not so competent to treat imbeciles as those making it a specialty; have no idea how many imbeciles are in asylum, but could give answer by looking through it; I consider manual labor beneficial to many patients; think about one-fourth of them are able to work at certain times; the most dangerous types of insanity are among the males; females do not recover so often as males; intoxicating drink sometimes causes insanity; liquor produces softening of the brain, and persons lose power of will to govern themselves, which brings on insanity; I would commit one of that class; very few of these in the asylum; they usually get entirely well; I have not heard of cruelty toward the patients being indulged in at all by the overseers; wardens are all very gentlemanly men; each patient is examined every day.

Dr. Hawthorne discharges patients quicker than I would; a number of patients have been returned on account of being discharged too soon; I am not aware that any have been kept too long; all the males go together in the same yard, except those that are very bad—females the same; think two patients can room together without ill effect; from my experience, my opinion in reference to mode of providing is, if the insane are provided for by the State, to district the State into two or three districts, and build an asylum in each; expense for keeping range from \$4 to \$7 a week; cost about \$1,000 a head to build an asylum; demented persons can do some manual labor; do not know how many incurables are in asylum; epileptic is where patients have fits; paralysis is a species of soft brain insanity; cannot in some instances determine whether a person is insane or not, with-

out previous history; think there is an inclination to send imbeciles, who are not fit subjects, to asylum, just to get them out of the way.

Q. Dr. Strong, have you taken pains to know of your own knowledge the number of patients within the asylum during any quarter?

A. Have not.

Q. Have you personally examined the patients as to their maladies in regard to insanity and imbecility?

A. I have.

Q. Do you exercise your own judgment in regard to their discharge?

A. No; nor have I advised the discharge of any.

The following questions were asked Dr. Strong, and after excusing him were also put to Dr. Plummer; the answers of each are written beneath questions:

Q. Would you recommend that persons laboring under *delirium tremens* be sent to asylum provided for insane?

A. (Strong). Would not.

A. (Plummer). Not as a rule.

Q. Would you recommend that insane and idiotic be kept together in the same asylum?

A. (Strong). Yes, if properly divided into wards as they are.

A. (Plummer). Yes.

Q. Do you think ample dormitories are provided for the inmates that are here?

A. (Strong). Yes.

A. (Plummer). I do.

Q. Would different physicians be likely to classify the inmates of this institution the same without consultation?

A. (Strong). No.



A. (Plummer). Yes.

Q. Would they be likely to come to the same conclusion in regard to any considerable number of patients as regards the classification of maladies?

A. (Strong). Would not.

A. (Plummer). I think they would.

Q. In regard to the interests of the patients, as such, would you recommend that idiots and imbeciles be kept with the insane or at same institution?

A. (Strong). I would.

Dr. Plummer said: I have been through the asylum; it seems to me that insane could not be better cared for than they are here; it is not a pecuniary matter to me whether Dr. Hawthorne keeps the asylum or does not; I visit asylum often; I think all patients are fit subjects for asylum; do not think Dr. Hawthorne and attendant physicians here would keep patients that were sane; premises are clean, always so; I have paid attention to these points especially; have looked through kitchen often; I do not see that changes ought to be made here; think Dr. H. was not prepared for you at all; think the asylum would be found to be the same way at any time; imbecile cases vary in their nature; I think those affected thus would be better in an asylum than in a poor-house; it would amount to about the same cost in either case, because a great deal more would be charged *per capita* for keeping the bad cases after the imbeciles were taken away; the imbeciles would not be better off in a poor-house than in an asylum; imbecility is a weakness especially of the intellect; there are exceptional cases that might as well be in the poor-house, but as a general rule think the asylum the place for them; there are many cases of imbecility that should not find way into asylum.

Now, after carefully and fully considering and investigating the whole matter in relation to providing for the future keeping and treatment of the insane of our State, we are of the opinion that under our present financial condition, it would be unwise for this Legislature to undertake the immediate construction of an asylum, but recommend that such legislation be had at this session as will enable the State to undertake this much needed enterprise at the earliest possible moment. As a means by which the State may be enabled to begin the erection of an asylum for her insane at a period not far in the future, we suggest the propriety of levying a one-half mill tax for the next four years, to be collected annually as other taxes are, the fund arising from such tax to be known as the "Asylum Building Fund." If this is done, at the meeting of the next Legislature, two years hence, there will have accumulated in the treasury of the State forty or fifty thousand dollars, which will enable the State to begin the work and push it to a rapid completion.

In the meantime, we recommend that the keeping of the insane and idiotic be let by contract, for the term of four years, from December 1, 1878, and at a rate not to exceed five dollars (\$5) a week for each patient.

W. R. BILYEU,

Chairman Joint Committee.

On motion of Mr. Bilyeu, the reading of the report was dispensed with, and the usual number of copies ordered printed.

#### PROPOSITIONS AND MOTIONS.

Mr. Brown offered S. J. M. No. 3:

*To the Honorable the Senate and House of Representatives  
of the United States in Congress Assembled:*

Your memorialists, the Legislative Assembly of the State

of Oregon, most respectfully represent, that the harbor of Coos Bay, in Coos County, is one of the most important on the North Pacific coast between San Francisco and Puget Sound; that it is eligibly situated as a harbor of refuge and for purposes of commerce; that within the past few years vessels for mercantile marine, numbering forty, have been constructed on Coos Bay, with a carrying capacity of 16,350 tons burthen; that those vessels are now engaged in carrying the commerce of the world; that since 1871 the number of arrivals and departures of ocean vessels at Coos Bay amount to 1,388, with carrying capacity of 565,550 tons; that since that time the value of local exports amount to \$3,192,165 75; that the country immediately surrounding said Coos Bay is rich in forests of cedar, fir, spruce, maple, myrtle, pine, and other timbers of value; and possesses vast deposits of coal and other minerals of value almost beyond estimate; that occasionally the bar at said harbor is obstructed by drifting sands, so as to render entrance and departure of shipping perilous, dangerous and difficult, to the serious detriment of general commerce, and which tends to retard the prosperity not only of that particular locality but of Southern Oregon; that the inhabitants of Lane, Coos, Douglas, Josephine, Jackson and Lake counties would be directly and largely benefitted by the securing of a safe and permanent harbor at Coos Bay; that these counties contain in the aggregate, nearly one-fourth of the whole population of this State; that the rest of the State would be indirectly benefitted thereby; that such improvement will result in an increased stimulus to agriculture and the manufacture of lumber, for the markets of the world, and the development of valuable coal measures, and more particularly in ship building, by the latter reviving an industry which was once

the pride and boast of these United States. In addition to those material benefits, the improvement required to make a permanent, secure and safe harbor, will also present a harbor of safety and refuge to the passing commerce of all nations; that to procure this result, it will require a small outlay of money compared with the resultant benefits.

Wherefore, your memorialists pray your honorable body to grant out of the appropriation being made for rivers and harbors, such aid, not to exceed \$350,000, to be expended under the supervision of the proper officers of the United States, as may be necessary to make the improvement that may be required to make the entrance at Coos Bay safe and secure.

Mr. Brown moved the adoption of the memorial; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Mr. Colvig (on leave) and Mr. Haley—2.

So the joint memorial was adopted.

On motion of Mr. Brown, three hundred copies were ordered printed.

Mr. George asked and obtained unanimous consent to have S. B. No. 74, which was to-day ordered engrossed for a third reading to-morrow, returned from the Committee on Engrossed Bills for the purpose of making a verbal correction or change therein.

Mr. Haines offered S. J. M. No. 4:

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*To the Honorable Senate and House of Representatives in Congress Assembled :*

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent: That during the past summer an Indian war occurred in Eastern Oregon, along the Blue Mountains, which was very destructive to life and property; that Umatilla, Malheur and Warm Spring Indian Reservations are located in the vicinity of extensive settlements about said mountains, and near the battle-fields of the late war, and a large number of Indians are collected upon said reservations, and a large number of said Indians are now held on said Malheur Reservation as prisoners of war; that many tribes of Indians, east and west of said mountains, have for ages past visited said mountains annually for purposes of barter, fishing, hunting, and, frequently, for war, one tribe with another; that since the discovery of gold, in 1861, a large population has settled in Eastern Oregon, in and about said mountains, engaged in mining, agricultural and pastoral pursuits, since which settlement, almost annually, trouble and conflict with Indians, destructive to life and property, have taken place.

That the military posts of Boise, Harney, McDermit, Walla Walla and Lapwai, are too remotely situated to afford adequate relief to inhabitants and speedy distribution of troops and supplies in case of Indian raids in or about said mountains; that during the recent war it was found necessary to establish a depot of troops and supplies at Baker City, Oregon, to support and supply the army in the field along said mountains, that being the most central point available for that purpose; that other wars with said Indians next year and in future years may, and it is feared, will take

place on or about the same battle fields, in Eastern Oregon ; and

WHEREAS, A petition of citizens of Eastern Oregon, approved by military officers in the field, was forwarded to the Secretary of War for the location of a permanent military post of at least two companies of cavalry at or near said Baker City, Oregon, which petition is herein referred to for further facts and information in the premises;

Therefore, your memorialists most respectfully request that early action be taken in the premises, to the end that such military post be established at or near said Baker City, and that an appropriation be made of the sum of one hundred thousand dollars for the erection of the necessary buildings and quarters for said post ; and your memorialists will ever pray.

Mr. Haines moved the adoption of the joint memorial ; upon which question, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig (on leave), Haley and Ross—3.

So the joint memorial was adopted.

On motion of Mr. Haines, one hundred copies thereof were ordered printed.

S. B. No. 74, having been returned from the Committee on Engrossed Bills, Mr. George asked and obtained unanimous consent to strike out the words "intersection and connection," in lines 14 and 15, Section 1 of printed bill. This verbal change having been made, the President directed that the

bill be sent to the Committee on Engrossed Bills for engrossment in accordance with the order heretofore made.

Mr. Palmer offered S. C. R. No. 17:

*Resolved by the Senate, the House concurring:*

That a committee of one from the Senate and two from the House be appointed to examine the Portland, Dalles and Sandy Wagon Road, and see if the same has been constructed in accordance to law; also to examine the books and accounts of the Board of Directors for the expenditure of the moneys appropriated for the same.

On motion of Mr. Thompson, the resolution was adopted.

The President appointed as such committee on the part of the Senate, Mr. Palmer.

Mr. Myers offered S. C. R. No. 18:

*Resolved by the Senate, the House concurring:*

That the two Houses of the Legislative Assembly will convene in joint convention on Friday, October 5, 1878, at 7:30 o'clock P. M., for the purpose of witnessing exercises by the pupils of the institution for deaf mutes, and to hear statements concerning the wants and workings of said institution from the superintendent thereof.

Mr. Myers moved the adoption of the resolution; which motion was lost.

Mr. Brown offered S. J. M. No. 5:

*To the Honorable, the Senate and House of Representatives in Congress assembled:*

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent: That the Coquille river, in Coos County, Oregon, is greatly in need of improvements which can be made only by the General Government. This river drains a section of country rich in soil and timber, and

embraces an area of over nine hundred square miles. The timber lands compose a large portion of this region of country. There are forests of excellent and valuable growths of fir, cedar, myrtle and other varieties. This timber is the foundation of a large and increasing export trade, and could be shipped at little cost if the improvements on the river herein asked for were made.

The ordinary tides of the Coquille river ebb and flow for forty miles, thus affording sufficient water, if properly controlled, for the commercial interests of the country. The entrance or mouth of this river is obstructed by numerous large rock which render it extremely dangerous to vessels crossing the bar and entering the river.

These difficulties and hinderances to free navigation create delays and prevent competition with other parts, and but little trade is carried on in proportion to what should be, and ruinous freights and an undeveloped country are the results. If these improvements were made, a channel would be opened of fourteen feet deep at all seasons of the year. Freight from this river now to San Francisco is from \$12 to \$15 per thousand feet of lumber; while from Coos Bay and Umpqua river freight is \$6 per thousand feet, making more than double freight to be paid by shippers on the Coquille river. These ports are near to each other and carry on the same trade.

Improvements along the river are being made, of a substantial character. Four saw-mills, cutting from thirty to forty thousand feet of lumber per day, are in successful operation. Gold mines are being developed with great profit, near the entrance of this river. These enterprises have engaged a capital of over two hundred thousand dollars.

With these much needed and indispensable improvements,



the population of Coos county will be more than doubled within two years after completion, by settling up unoccupied government land. This will afford an income to the general government, in the payment of these lands, in amount greater than the appropriations asked for.

Wherefore, your memorialists pray that an amount be appropriated for improving the channel and harbor of the Coquille river, equal to the estimate made by Major Bolton, in late survey of harbor and mouth of said river; and your memorialists will ever pray.

Mr. Brown moved the adoption of the joint memorial; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Cochran, Colvig (on leave), and Haley—3.

So the joint memorial was adopted.

On motion of Mr. Brown, one hundred copies were ordered printed.

Mr. Brown moved that when the Senate adjourn, it adjourn until 9 o'clock to-morrow morning; which motion prevailed.

#### INTRODUCTION AND FIRST READING OF BILLS.

By unanimous consent and without previous notice, Mr. Palmer introduced S. B. No. 105, a bill for an act to amend an act entitled an act to provide for the construction of the Willamette Valley and Coast Railroad, approved October 24, 1874, which was read a first time and passed to its second reading without a question.

Mr. Palmer moved that the rules be suspended and that the bill be read a second time by title now, upon which question the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Mr. Colvig (on leave) and Mr. Haley—2.

So the rules were suspended and the bill was read a second time by title.

Mr. Palmer moved that the bill be referred to a select committee of three ; which motion prevailed.

The President appointed as such committee, Messrs. Palmer, Cochran and Bentley.

Mr. Smith, by unanimous consent, without previous notice, introduced S. B. No. 106, a bill for an act to tax foreign corporations doing business in this State, which was read a first time and passed to its second reading without a question.

Mr. Watt, by unanimous consent, without previous notice, introduced S. B. No. 107, a bill for an act to repeal Section 21 of Chapter 60 of the Miscellaneous Laws of Oregon in the Code of A. D. 1872, as compiled by Matthew P. Deady and Lafayette Lane, which was read a first time and passed to its second reading without a question.

Mr. Myers, without previous notice, and by unanimous consent, introduced S. B. No. 108, a bill for an act to prohibit the involuntary immigration of Chinamen, and persons belonging to the Mongolian race, to the State of Oregon, and to prevent such persons from remaining in the State who had

been brought or have come to it for other purposes than that of curiosity of trade or as permanent residents; which was read a first time and passed to its second reading without a question.

Mr. Brown, without previous notice, and by unanimous consent, introduced S. B. No. 109, a bill providing for the relocation of the county seat of Coos County, was read a first time and passed to its second reading without a question.

Mr. Brown moved that the rules be suspended and the bill be read a second time by title; upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Haley—2.

So the rules were suspended and the bill was read a second time by title and; on the further motion of Mr. Brown, the bill was ordered engrossed and to a third reading tomorrow.

Mr. Haines, by unanimous consent, and without previous notice, introduced S. B. No. 110, a bill for an act to amend Section 69, of Chapter 57 of Miscellaneous Laws, relating to the collection and returning of taxes, which was read a first time and passed to its second reading without a question.

On motion of Mr. Watt, the Senate adjourned.

THURSDAY, OCT. 3, 1878.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (absent on leave), Fulton, Myers, Palmer and Thompson—5.

The Journal of yesterday was read and approved.

Mr. Bentley asked and obtained leave of absence for Senator Ross until to-morrow.

The President announced the order of business to be

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Burnett, by unanimous consent, and without previous notice, introduced S. B. No. 111, a bill for an act to amend Section 3 of an act entitled an act for the further organization of the Agricultural College; and to provide for the support of the same; which was read a first time and passed to its second reading without a question.

Mr. Bradshaw, without previous notice, and by unanimous consent, introduced S. B. No. 112, a bill for an act to regulate the salaries of County Judges in the State of Oregon, which was read a first time and passed to its second reading without a question.

Mr. Apperson, without previous notice, and by unanimous consent, introduced S. B. No. 113, a bill to define and punish vagrancy, which was read a first time and passed to its second reading without a question.

Mr. Fulton, without previous notice, and by unanimous consent, introduced S. B. No. 114, a bill for an act to protect purchasers of State lands, which was read a first time and passed to its second reading without a question.

Mr. Palmer, without previous notice, and by unanimous consent, introduced S. B. No. 115, a bill for an act to amend an act entitled an act to enlarge the corporate powers of the City of Corvallis, and to amend an act entitled an act to incorporate the town of Corvallis, passed January 28, 1857, and the several acts amendatory thereto, approved October 28, 1874, which was read a first time and passed to a second without a question.

Mr. Palmer moved that the rules be suspended and the bill be read a second time by title now; upon which question the yeas and nays were taken, with the following result:

Yeas—Messrs. Bently, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo and Mr. President—24.

Nays—Messrs. Apperson and Applegate—2.

Absent—Messrs. Colvig (on leave), Davidson, Ross and Watt—4.

So the rules were suspended, and the bill was read a second time by title.

Mr. Burnett moved to refer S. B. No. 115 to the Senators from Benton and Polk Counties; which motion prevailed.

Mr. Palmer, without previous notice, and by unanimous consent, introduced S. B. No. 116, a bill for an act to provide for the maintenance and regulation of the Oregon Institute for the education of deaf mutes, which was read a first time and passed to its second reading without a question.

Mr. Thompson, without previous notice, and by unanimous consent, introduced S. B. No. 117, a bill for an act to prevent the spreading of infectious and contagious diseases among sheep.

Mr. Thompson moved that the rules be suspended and the

bill be read a first time by title; upon which question the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—26.

Nays—None.

Absent—Messrs. Colvig (on leave), Palmer, Ross and Watt.

So the rules were suspended and the bill was read a first time by title, and passed to a second reading without a question.

Mr. Green, without previous notice, and by unanimous consent, introduced S. B. No. 118, a bill for an act to amend Title 1 of Chapter 50, of Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane.

Mr. Bentley moved that the rules be suspended and the bill be read a first time by title; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—26. .

Nays—None.

Absent—Messrs. Colvig (on leave), Palmer, Ross and Watt—4.

So the rules were suspended and the bill was read a first time by title and passed to its second reading without a question.

Mr. Bilyeu, without previous notice, and by unanimous

consent, introduced S. B. No. 119, a bill for an act to amend Sections 2, 3, 4, and the two Sections 5 of an act approved October 29, 1874, relating to the fees of Sheriffs and Clerks, and to further provide for the regulation of said fees.

Mr. Bilyeu moved that the rules be suspended and the bill be read a first time by title; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—26.

Nays—None.

Absent—Messrs. Colvig (absent on leave), Palmer, Ross and Watt—4.

So the rules were suspended and the bill was read a first time by title and passed to its second reading without a question.

Mr. Thompson, without previous notice, and by unanimous consent, introduced S. B. No. 120, a bill for an act to amend Section 4 of an act entitled an act to create the County of Lake and fix the salaries of County Judge and Treasurer, which was read a first time and passed to a second reading without a question.

Mr. Thompson moved that the rules be suspended and the bill be read a second time by title now; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Cochran, Colvig (on leave), and Ross.

So the rules were suspended and the bill was read a second time, and on the further motion of Mr. Thompson, the bill was ordered engrossed and to a third reading to-morrow.

Mr. Smith, without previous notice, and by unanimous consent, introduced S. B. No. 121, a bill for an act to amend an act entitled an act to amend an act to incorporate the town of Harrisburg, approved October 28, 1874.

Mr. Smith moved that the rules be suspended and that S. B. No. 121, be read a first time by title now; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Cochran, Colvig (on leave), Palmer and Ross—4.

So the rules were suspended and the bill was read a first time by title, and passed to a second reading without a question.

Mr. Haines, by unanimous consent, and without previous notice, introduced S. B. No. 122, a bill for an act to amend Section 65 of Title 6 of Chapter 57 of Miscellaneous Laws, relating to collection and return of taxes, which was read a first time and passed to a second reading without a question.

Mr. Haines, without previous notice, and by unanimous consent, introduced S. B. No. 123, a bill for an act to amend Section 9 of Chapter 9 of the Miscellaneous Laws of Oregon, relating to the office and duties of County Treasurer, which



was read a first time and passed to a second reading without a question.

Mr. Haines, by unanimous consent, and without previous notice, introduced S. B. No. 124, a bill for an act to amend Section 315, Title 1 of Chapter 4, of Code of Civil Procedure, relating to actions to recover real property, which was read a first time and passed to its second reading without a question.

Mr. Burch, without previous notice, and by unanimous consent, introduced S. B. No. 125, a bill for an act to amend Section 39 of Title 1 of Chapter 50, of the Miscellaneous Laws of Oregon, which was read a first time and passed to second reading without a question.

Mr. Burnett, without previous notice, and by unanimous consent, introduced S. B. No. 126, a bill for an act to license, tax, and regulate certain professions, trades, business, occupation and employment, which was read a first time and passed to a second reading without a question.

Mr. Thompson, without previous notice, and by unanimous consent, introduced S. B. No. 127, a bill for an act to provide for the education of deaf mutes, which was read a first time and passed to its second reading without a question.

Mr. Bradshaw, by unanimous consent, and without previous notice, introduced S. B. No. 128, a bill for an act to amend Section 1 of an act entitled an act to regulate the salaries of County Treasurers in the State of Oregon, which was read a first time and passed to a second reading without a question.

By unanimous consent, without previous notice, Mr. Bentley introduced S. B. No. 129, a bill for an act for the relief of A. P. Dennison, which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Green introduced S. B. No. 130, a bill for an act to regulate foreign corporations doing business in this State, which was read a first time and passed to its second reading without a question.

Mr. Green moved that the rules be suspended and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Bilyeu, Bradshaw, Brown, Burch, Green, Haines, Hirsch, Jasper, Palmer, Pennington, Smith, Thompson, Waldo and Mr. President—14.

Nays—Messrs. Apperson, Applegate, Bentley, Burnett, Cochran, Davidson, Davis, Fulton, George, Grim, Haley, Lord, Myers and Watt—14.

Absent—Messrs. Colvig and Ross (both on leave)—2.

So the Senate refused to suspend the rules for the purpose of reading the bill a second time by title now.

By unanimous consent, without previous notice, Mr. Hirsch introduced S. B. No. 131, a bill for an act to amend Section 53 of Title 5 of Chapter 1 of the General Laws of Oregon as compiled by Matthew P. Deady and Lafayette Lane, relating to the serving of summons, which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Bilyeu introduced S. B. No. 132, a bill for an act to amend Section 547, Title 5, Chapter 6, of the Code of Civil Procedure, as compiled by Matthew P. Deady and Lafayette Lane, and to repeal Section 548 of the same Title and Chapter, which was read a first time and passed to its second reading without a question.

By unanimous consent, without previous notice, Mr. Bilyeu also introduced S. B. No. 133, a bill for an act to amend

Section 547, Title 5, Chapter 6 of the Code of Civil Procedure, as compiled by Matthew P. Deady and Lafayette Lane, which was read a first time and passed to its second reading without a question.

Mr. Smith, by unanimous consent, and without previous notice, introduced S. B. No. 134, a bill for an act to aid the Oregon Childrens' Aid Society, which was read a first time and passed to its second reading without a question.

Mr. Bilyeu also, without previous notice, by unanimous consent, introduced S. B. No. 135, a bill for an act to authorize the Governor to contract for the keeping of the insane and idiotic and to amend Section 11 of an act entitled "An act to provide for the care, keeping and treatment of insane and idiotic persons," approved September 27, 1862, which was read a first time and passed to its second reading without a question.

Mr. Burnett, without previous notice, by unanimous consent, introduced S. B. No. 136, a bill for an act to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Title 1 of "An act to establish a uniform course of public instruction in the common schools of this State," which was read a first time and passed to its second reading without a question.

#### SECOND READING OF BILLS.

S. B. No. 83, a bill for the relief of Jason Wheeler, was read a second time, and on motion of Mr. Haley, was referred to the Committee on Claims.

S. B. No. 84, a bill for an act to provide for the transaction of business by the Judges of the Circuit Courts in vacation, and in each others Circuits, was read a second time.

Mr. Burnett moved to amend the bill by striking out the word "received," in 7th line of Section 3, and insert the

word "reviewed," in lieu thereof; which motion prevailed.

On the further motion of Mr. Burnett, the bill was ordered engrossed and to a third reading to-morrow.

S. B. No. 85, a bill for an act to amend Section 1026 of Title 6 of Chapter 14, of the Code of Civil Procedure, was read a second time, and on motion of Mr. Burnett, the bill was ordered engrossed and to a third reading to-morrow.

S. B. No. 86, a bill for an act to amend Section 862 of Title 1 of Chapter 11, and Section 968 of Title 3 of Chapter 13, of the Code of Civil Procedure, was read a second time.

By unanimous consent, Mr. Burnett was permitted to amend the bill by changing 862 to 863 whenever it occurred in the bill.

Mr. Burnett moved to order the bill engrossed and to a third reading to-morrow; which motion prevailed.

S. B. No. 87, a bill for an act to amend Section 8 of Title 2 of Chapter 15 of the Miscellaneous Laws of Oregon, was read a second time.

Mr. Waldo asked and obtained leave to correct an error in the numbering of the Sections.

Mr. Waldo moved to order the bill engrossed and to a third reading to-morrow; which motion prevailed.

S. B. No. 88, a bill for an act to provide for clearing creeks and other small streams from drift wood and other obstructions.

Mr. Watt moved that the rules be suspended and S. B. No. 88 be read a second time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch,

Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig (on leave), Palmer and Ross—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Watt moved to refer the bill to the Committee on Roads and Highways; which motion prevailed.

S. B. No. 89, a bill for an act to repeal Section 6 of Chapter 30 of the Miscellaneous Laws, as compiled by Matthew P. Deady and Lafayette Lane, to provide for the appointment a State Librarian, was read a second time, and on motion of Mr. Burnett, was ordered engrossed and to a third reading to-morrow.

S. B. No. 90, a bill for an act to amend Sections 5, 17 and 22 of Title 1 of Chapter 7 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a second time.

Mr. George moved that the bill be ordered engrossed and to a third reading to-morrow; pending which, Mr. Haines moved to amend Section 22 in line 2 by striking out three-fourths and insert majority.

Mr. Haines moved to adopt the amendment; which motion was lost.

Mr. Haines moved to amend Section 22 by striking out of line 4 the word seven-eighths and insert two-thirds; which motion was lost.

Mr. George asked and obtained leave to change in line 3, Section 22 of printed bill, the words "engaging into," to "engaging in."

Mr. Watt moved to refer the bill to the Judiciary Committee, but afterwards withdrew the motion and moved to

amend the bill by inserting after the word law, in 7th line, "provided that before any such change shall be made as aforesaid, the corporation shall pay or tender to such stockholders as dissent from such change, the full cash value of their stock in such corporation;" which motion was lost.

The vote then recurring on the motion of Mr. George to order engrossed and to a third reading to-morrow, the motion prevailed.

On motion of Mr. Hirsch, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate met at the usual hour and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (absent on leave), Palmer and Ross—3.

The President announced that S. B. No. 64, a bill for an act to provide for the care and keeping of the insane and to repeal Chapter 26 of the Miscellaneous Laws of Oregon of the Code of A. D. 1872, having been made the special order for this hour, would be now considered if the Senate should so direct.

Mr. Watt moved that the bill be now taken up for consideration; which motion prevailed.

The President thereupon stated the question before the Senate to be the motion, which was pending at the time the bill was made the special order, to order the bill engrossed and read a third time to-morrow; pending which, Mr. Burnett moved to strike out all of Section 2; which motion prevailed.

Mr. Myers moved to amend Section 10 by striking out

"ten per cent." and inserting "seven per cent.," in lines 5 and 6, in printed bill; but afterwards withdrew his motion.

Mr. Haines moved to amend by striking out all of Section 10.

Mr. Watt and Mr. Cochran demanded the yeas and nays, which were taken with the following result:

Yeas—Messrs. Apperson, Davidson, Davis, Fulton, George, Green, Haines, Hirsch, Jasper, Myers, Ross and Smith—12.

Nays—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Grim, Lord, Pennington, Thompson, Waldo, Watt and Mr. President—15.

Absent—Messrs. Colvig (on leave), Haley and Palmer—3.

So the Senate refused to adopt the amendment.

Mr. Haines moved that when the Senate adjourn it adjourn to meet at 7:30 o'clock this evening; which motion prevailed.

Mr. Watt offered the following amendment:

*Provided*, That the expense of sending insane patients to the asylum shall be paid by the State Treasurer on the warrant of the Secretary of State, but shall never exceed the actual and reasonable expenses, together with three dollars per day for the necessary attendants, certified to by the Commissioners of Insanity, in coming to and returning from the asylum on the usual routes with the celerity of ordinary travel; pending which, on motion of Mr. Watt, the Senate adjourned.

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#### EVENING SESSION.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (absent on leave) and Fulton—2.

The President announced the question before the Senate to be upon the adoption of the amendment offered by Mr. Watt to S. B. No. 64.

Mr. Watt, by unanimous consent, withdrew the amendment and offered the following in lieu thereof:

1st Amendment. Amend Sec. 3 by striking out all after and including the word "preference" in line 18 to and including the word "service" in line 23, and insert in lieu thereof the following, to-wit: "The expense of sending insane persons committed to the asylum shall be paid by the State Treasurer on the warrant of the Secretary of State, but shall never exceed the actual, reasonable and necessary expenses, together with two dollars per day for the necessary attendants, certified to by the Commissioners of Insanity, in coming to and returning from the asylum on the most usual and direct routes with the celerity of ordinary travel on those roads.

Mr. Watt moved to adopt the amendment; which motion prevailed.

Mr. George moved to amend the bill by striking out in Section 10, the words, "together with interest at the rate of ten per cent. per annum additional;" which motion prevailed.

Mr. Burnett moved to amend Section 1 by adding after the word State, in the 7th line of said Section, "provided that the Governor shall take a bond from the contractor, with good security, payable to the State of Oregon, in the sum of twenty-five thousand dollars, conditioned for the faithful performance of said contract; which motion prevailed.

Mr. Haines moved that Section 1 be amended by inserting



after the word insane, "or idiotic;" which motion prevailed.

Mr. Haines also moved that Section 3 be amended by striking out of line 6, Section 3, the words "Commissioners of Insanity provided in this act," and insert examining physician; which motion was lost.

Mr. George moved that Section 10 be amended by striking out the words "for the term intervening from such charge to payment into treasury," in line 6 of printed bill; which motion prevailed.

Mr. Hirsch moved to amend Section 4 by striking out the words "on account of idiocy nor," in lines 10 and 11, of printed bill; which motion prevailed.

Mr. Burch moved that the bill be further amended by striking out in Section 3, line 23, the word "five," and inserting "three" in lieu thereof; which motion was lost.

Mr. Haines moved to amend Section 5 by striking out all of Section 5 after the word "estate," in line 9; which motion was lost.

Mr. Smith offered the following amendment to Section 15: Amend by striking out Section 15, and insert:

Section 15. The Governor is hereby required to visit said institution once every three months, and examine the same. He shall also appoint a Board, to consist of three physicians, and remove the same at pleasure; and the physicians so appointed shall visit the Insane Asylum by turns, so that there shall be a visit made by one of the said physicians every ten days. They shall inspect all portions of said asylum, examine into its conduct, and see that the provisions of the contract made by the State, through the Governor, are fully carried out.

They shall have power to discharge any patient as cured; and whenever a patient shall die or be ordered by them dis-

charged, they shall report to the Governor or the Secretary of State, and shall state in such report the immediate cause of death ; and from the date of such death or order for discharge, no payment shall be allowed by the State ; and the physicians so appointed by the Governor, as inspectors, shall take an oath and subscribe the same before entering upon their duties, that they will well and faithfully perform the duties devolving upon them by their appointment ; and such physicians shall receive ten dollars for each visit so paid to the asylum, payable quarterly ; and upon the certificate of the Governor, the Secretary of State shall draw his warrant for the same.

Mr. Smith moved the adoption of the amendment ; which motion prevailed.

Mr. George moved to amend Section 5 by striking out in lines 12 and 13 the words "upon the death or discharge of said insane wife, husband, minor child or ;" which motion prevailed.

Mr. George moved further to amend Section 5 by inserting after the word "that" in line 14 the word "all;" which motion prevailed.

Mr. Haines moved to strike out "Section 8" of the bill ; which motion was lost.

Mr. Smith moved to amend Section 5 by striking out the words "against the estate of a wife for the support of the said husband," in lines 10 and 11 of said Section; which motion prevailed.

Mr. Hirsch moved to amend Section 6 by inserting in line 7, after the words "jurisdiction," the following: "And any money so received by said county over and above the actual costs incurred by the county, shall be by the county authori-

ties paid into the common school fund of said county;" which motion prevailed.

The question then recurring on the motion to order the bill engrossed and read a third time to-morrow, Mr. Cochran moved the previous question.

Upon which question, Messrs. Cochran and Palmer demanded the yeas and nays, and they were taken accordingly with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Mr. Colvig (on leave) and Mr. Thompson—2.

So the previous question was ordered.

The question then being, "Shall S. B. No. 64. be ordered engrossed and read a third time to-morrow?" Messrs. Cochran and Watt demanded the yeas and nays thereon, which were taken accordingly, with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Lord, Myers, Pennington, Waldo, Watt and Mr. President—20.

Nays—Messrs. Bilyeu, Haines, Haley, Hirsch, Jasper, Palmer, Ross and Smith—8.

Absent—Messrs. Colvig (on leave) and Thompson—2.

So the bill was ordered engrossed for a third reading to-morrow.

On motion of Mr. Hirsch, the Senate adjourned.

FRIDAY, OCT. 4, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (absent on leave), Davidson and Thompson—3.

Prayer was offered by Rev. J. C. Baker of this city.

The Journal of yesterday was read and approved.

SECOND READING OF BILLS.

S. B. No. 91, a bill for an act to prevent the spreading of contagious and infectious disease among domestic animals, was read a second time, and on motion of Mr. Thompson, the bill was referred to a select committee of three Senators.

The President appointed as such committee, Messrs. Thompson, Jasper and Pennington.

S. B. No. 92, a bill for an act to amend an act to amend an act entitled an act to establish a uniform course of public instruction in the common schools of this State, approved October 22, 1872, was read a second time, and on motion of Mr. George, was referred to the Committee on Education.

S. B. No. 93, a bill for the relief of W. W. Buck, was read a second time.

Mr. Myers moved to refer to the Committee on Claims; which motion prevailed.

S. B. No. 94, a bill for an act to amend Section 64, Title 6 of Chapter 57, Miscellaneous Laws of Oregon, relating to the collection and return of taxes, and proceedings connected therewith, was read a second time, and on motion of Mr. Apperson, the bill was ordered engrossed and to a third reading to-morrow.

S. B. No. 95, a bill for an act for the relief of purchasers at judicial sales.

Mr. George moved to amend Section 1 by inserting after the word "recovered," in line 10 of printed bill, "and also all sums of money paid out by him or any claiming under him after such purchase, toward extinguishing any recorded lien resting upon or existing against said property at the time of such judicial sale thereof, with interest thereon from the date of such payment; which motion prevailed.

Mr. Cochran moved to refer the bill to the Committee on Judiciary; which motion prevailed.

S. B. No. 96, a bill for an act to amend Section 5 of an act entitled an act to amend Sections 1 and 5 of Title 1 of the Miscellaneous Laws of Oregon relating to property and polls subject to assessment and taxation, approved October 21, 1876, was read a second time, and on motion of Mr. Davidson, the bill was referred to the Committee on Ways and Means.

S. B. No. 97, a bill for an act entitled an act to amend Sections 28 and 36 of Chapter 41, of the Miscellaneous Laws of Oregon, compilation 1874, by Matthew P. Deady and Lafayette Lane, was read a second time, and on motion of Mr. Bilyeu, was ordered engrossed and to a third reading tomorrow.

S. B. No. 98, a bill for the relief of W. S. Harn, was read a second time, and on motion of Mr. Bradshaw, was referred to the Committee on Claims.

S. B. No. 99, a bill to provide for the leasing of the Penitentiary and convict labor, and to prescribe rules and regulations for the government of said convicts, and to repeal Section 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of Title 1, and the whole of Title 2 of Chapter 44, of the

General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, as found on pages 701, 702 and 704 of the Code, was on its second reading.

Mr. Haley moved that the rules be suspended and the bill be read a second time by title; upon which question, the yeas and nays were

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig (on leave), George and Palmer—3.

So the rules were suspended and the bill was read a first time by title.

Mr. Cochran moved to refer S. B. No. 99 to the committee of the whole Senate; which motion prevailed.

S. B. No. 100, a bill for an act to amend Section 1115, page 329 of the Civil Code, was read a second time, and on motion of Mr. Bradshaw, the bill was referred to the Committee on Judiciary.

S. B. No. 101, a bill to authorize foreign corporations to do business and exercise their corporate powers of the State of Oregon, was read a second time, and on motion of Mr. Burnett the bill was referred to the Committee on Judiciary.

S. B. No. 103, a bill for an act to punish trespassing, was read a first time, and on motion of Mr. Burnett, was referred to the Committee on Judiciary.

Mr. Palmer asked and obtained unanimous consent to submit the following report on S. B. No. 105, an act to amend an act entitled an act to provide for the construction of the

Willamette Valley and Coast Railroad, approved October 24, 1874 :

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 4, 1878. }

*Mr. President*—The select committee, to whom was referred S. B. No. 5, having had said bill under careful consideration, beg leave to report the same back to the Senate with the recommendation that the bill pass.

J. S. PALMER,  
R. B. COCHRAN,  
L. BENTLEY,  
Committee.

The bill went to the table under the rules.

S. B. No. 104, a bill for an act to reorganize the administrative department and to provide clerical aid therein, and to repeal Sections 8, 24 and 25 of Title 2, Chapter 1 of the Revised Statutes of 1872, as compiled by Matthew P. Deady and Lafayette Lane, and to provide for monthly exhibits of the condition of treasury and other purposes, was read a second time.

Mr. Smith moved to amend by striking out all of Sections 3 and 4 in said bill; pending which, Mr. Watt moved to refer to the Committee on Ways and Means; which motion was lost.

Then, on motion of Mr. Burch, the bill was referred to the Committee on Judiciary.

On motion of Mr. Apperson, the Senate adjourned.

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AFTERNOON SESSION.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig, (absent on leave), Hirsch and Ross—3.

Mr. Bradshaw asked to have H. J. R. No. 10 be considered.

The President stated that no such resolution had as yet been reported from the House, and requested the Clerk to read the message relating to said resolution; the Clerk read the following

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 4, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 10, authorizing a joint committee of the two Houses to examine into the affairs of the Penitentiary, authorizing said committee to send for persons and papers, and to employ counsel, etc., and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 10, accompanying the foregoing message, was read, and on motion of Mr. Myers, the resolution was amended by striking out "employ counsel."

Mr. Bradshaw moved to adopt H. J. R. No. 10; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Hirsch.

So the resolution was adopted, as amended.



S. B. No. 105, a bill for an act to amend an act entitled an act to provide for the construction of the Willamette Valley and Coast Railroad, approved October 24, 1874, having been reported from the select committee to whom it was referred, was on the table.

Mr. Palmer moved that the rules be suspended, and the bill be considered engrossed and read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—24.

Nays—Messrs. Apperson, Myers and Watt—3.

Absent—Messrs. Applegate, Colvig (on leave) and Hirsch—3.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" Mr. Fulton moved that the further consideration of S. B. No. 105 be postponed until Monday at 2 o'clock; pending which, on motion of Mr. Burnett, the bill was referred to the special committee who had heretofore had the same under consideration, with instructions to correct certain errors; which motion prevailed.

Mr. Apperson moved that the Senate do now resolve itself into the Committee of the Whole for the consideration of S. B. No. 99; which motion was lost.

#### THIRD READING OF SENATE BILLS.

S. B. No. 3, a bill for an act to amend Section 4 of an act redistricting the State into Senatorial and Representative districts, and fixing the number of Senators and Representatives in the Legislative Assembly, approved Oct. 9, 1872. was

read a third time. The question was then, "Shall the bill pass;" pending which, Mr. Haines moved to indefinitely postpone the bill.

Then, upon the motion of Mr. Fulton, the bill was referred to the Committee on Elections.

S. B. No. 7, a bill for an act regulating salmon fisheries on the waters of the Columbia river and its tributaries, was read a third time. The question then being, "Shall the bill pass," the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Burnett, Colvig (on leave), Davidson—3.

So the bill passed and the title of the bill was ordered to stand as the title of the act.

S. B. No. 11, a bill for an act to create the office of Fish Commissioner for the Columbia river, to license the taking of salmon in the Columbia river and its tributaries, and to encourage the establishment of hatching houses on the waters of the Columbia river for the propagation of salmon, was read a third time. The question then being, "Shall this bill pass," the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo and Mr. President—27.

●Nays—Mr. Watt—1.

Absent—Messrs. Colvig (on leave) and Ross—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 16, a bill for an act to amend Sections 4, 5 and 17 of the Code of Civil Procedure of Oregon, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas — Messrs. Apperson, Brown, Cochran, Fulton, George, Grim, Haley, Hirsch, Jasper, Lord, Myers, Smith, Waldo and Watt—14.

Nays — Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Burch, Burnett, Davidson, Davis, Green, Haines, Pennington, Ross, Thompson and Mr. President—14.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill failed to pass.

Mr. Bradshaw asked and obtained leave of absence until next Thursday.

By unanimous consent, Mr. Burch offered S. R. No. 19:

*Resolved*, That the Senate accept the invitation of Dr. J. C. Hawthorne, to visit the Insane Asylum.

On motion of Mr. Burch, the resolution was adopted.

On motion of Mr. Smith, the Senate adjourned.

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### SATURDAY, OCT. 5, 1878.

The Senate met at the usual hour and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Apperson, Colvig (on leave) and Fulton—3.

The journal of yesterday was read, corrected and approved.

Mr. Myers, Chairman of the Committee on Engrossments,

reported S. B's Nos. 84, 89, 85, 86, 87, 120, 51, 69, 68, 34, 48, 31, 14, 74, 77 and 79, correctly engrossed.

THIRD READING OF BILLS.

S. B. No. 21, a bill for an act empowering the State Treasurer to redeem certain outstanding bonds of this State, was read a third time. The question then being, "Shall the bill pass?" upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig (on leave).

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 22, a bill for an act entitled an act to amend Section 166 and 167 of Chapter 10, of Title 1, of the Code of Civil Procedure, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall the bill pass?" upon which question the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt, and Mr. President—27.

Nays—Messrs. Davidson and Myers—2.

Absent—Mr. Colvig (on leave)—1.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 23, a bill for an act defining the rights and fixing the liabilities of married women, and the relations between husband and wife, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and President—27.

Nays—Messrs. Davis and Palmer—2.

Absent—Mr. Colvig (on leave)—1.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 25, a bill for an act to amend Sections 1041 and 1042 of Title 8 of Civil Code, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Grim, Haley, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—22.

Nays—Messrs. Bilyeu, Fulton, George, Haines, Hirsch and Ross—6.

Absent—Messrs. Colvig (on leave), and Palmer—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 26, a bill for an act to amend Section 3 of Chapter 64 of Miscellaneous Laws of Oregon as published in General Laws of Oregon in 1874, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Watt—27.

Nays—Mr. President—1.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 29, a bill for an act to amend Section 386 of Chapter 5 of the Code of Civil Procedure of the General Laws of Oregon, relating to suits in equity, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Fulton, George, Green, Grim, Haines, Hailey, Hirsch, Jasper, Lord, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—Messrs. Bentley, Davidson, Davis, Myers, Pennington—5.

Absent—Messrs. Colvig (on leave), and Palmer—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 32, a bill for an act to amend Section 986 of the Code of Civil Procedure, as compiled in the General Laws of Oregon, by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper,

Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 38, a bill for an act to amend Section 8 of Title 1 of Chapter 6, of the Miscellaneous Laws of Oregon, relating to conveyances of real property, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Bradshaw, Brown, Burch, Burnett, Cochran, George, Grim, Haley, Hirsch, Jasper, Lord, Smith, Waldo, Watt and Mr. President—15.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Davidson, Davis, Fulton, Green, Haines, Myers, Pennington, Ross and Thompson—13.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill failed to pass.

Mr. Myers, Chairman of the Committee on Engrossments, reported S. B. No. 90 correctly engrossed.

Mr. Thompson, by unanimous consent, offered S. J. R. No. 4:

WHEREAS, The Legislature of this State did, by different enactments prior to 1876, make large appropriations out of the funds arising from the five per centum of the net proceeds of the sale of public lands within the State and out of the proceeds of the sale of the swamp and overflowed lands belonging to the State, in aid of certain wagon roads in Western and Southern Oregon and in aid of the construction of the locks at the Willamette falls, in pursuance of which,

warrants aggregating thousands of dollars were issued and sold without restriction as to price, and the proceeds applied in the construction of the said public works ; and

WHEREAS, The Legislature of this State did, at its regular session in 1876, authorize the issuance of warrants upon the said funds to the amount of \$50,000 in aid of the Dalles and Sandy Wagon Road, an enterprise of vital importance to this State but of especial importance to the people of Eastern Oregon, and authorizing the sale of such warrants at a price of not less than fifty cents on the dollar, and appropriated the proceeds of such sale to the construction of such road ; and

WHEREAS, Such warrants so issued in aid of the Dalles and Sandy Wagon Road, were sold in accordance with the provisions of said act, to purchasers in good faith, at a price higher than that provided in said act and the proceeds applied in the construction of said road as provided for in said act ; and

WHEREAS, The said act of 1876, expressly provided that the said warrants therein authorized should be received by the State of Oregon, together with any interest accruing thereon, at their face in payment for any of the swamp, overflowed or tide lands belonging to the State, and it was so expressed upon the face of said warrants, and they were purchased upon the faith of the said proviso and with the belief and understanding on the part of the persons so purchasing that the State of Oregon would so receive said warrants in payment for such lands, while the warrants issued prior hereto were not made so receivable ; and

WHEREAS, Bills are now pending in this Legislature, providing in effect that the said warrants issued prior to 1876, and which were not made receivable in payment for swamp,



tide and overflowed land, shall be so received and that the said warrants issued under the act of 1876, which were expressly made receivable in payment for such lands, shall not be received until after all other warrants shall be taken up; and

WHEREAS, such proposed legislation would be a violation of good faith on the part of the State of Oregon, and a repudiation of the obligations imposed upon it by the said act of 1876, as well as an injustice to the people most interested in the said Dalles and Sandy Wagon Road, and an unjust discrimination in favor of warrants issued for the benefit of Western Oregon, the greater proportion of which have already been redeemed in cash; and

WHEREAS, The swamp, overflowed and tide lands belonging to the State are more than ample for the discharge of all outstanding warrants; now, therefore,

*Be it Resolved by the Legislative Assembly of the State of Oregon:*

1. That good faith on the part of the State of Oregon requires that the provision of the law of 1876, providing for the issue of warrants in aid of the Dalles and Sandy Wagon Road, be observed and carried into effect.

2. That the Board of Land Commissioners of the State be and they are hereby directed to receive such warrants in payment for any of the swamp, overflowed and tide lands belonging the State, in accordance with the provisions of said law, whenever such warrants are tendered for such lands.

Mr. Thompson asked and obtained unanimous consent to have S. J. R. No. 4 printed without being read.

S. B. No. 39; a bill to amend Section 1121 of Title 6 Chapter 15, of the Code of Civil Procedure of the General

Laws of Oregon, relating to conveyances by executors and administrators, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall this bill pass?" upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 45, a bill for an act to amend Section 28, subdivision 3 of General Laws of Oregon, relating to duties of State Treasurer, was read a third time. The question then being, "Shall this bill pass?" Pending which, Mr. Hirsch moved to refer the bill to the Committee on Ways and Means, with instructions to amend by adding to the last section, "and whenever there is any money in the treasury applicable to the payment of warrants drawn by the Secretary of State, the Treasurer shall immediately advertise the fact in at least two daily papers of this State, and shall state the numbers of said warrants, which can be paid by the said funds on hand, and said warrants shall cease to draw interest from the date of such advertisement;" which motion prevailed.

Mr. Myers moved that the committee be further instructed to amend the bill by striking out the words "subdivision 3," in the first Section; which motion prevailed.

Mr. Smith moved that the committee be further instructed

to amend the bill by striking out the words "after the expiration of three months," in line 15, Section 3.

The President ruled the motion out of order.

Mr. Hirsch asked and obtained leave of absence until Tuesday, 12 o'clock m.

Mr. Myers asked and obtained leave of absence until Monday, 10:30 A. M.

Mr. Apperson moved that when the Senate adjourn, it adjourn to meet at 2 o'clock P. M. Monday; which motion was lost.

On motion of Mr. Watt, the Senate adjourned.

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### AFTERNOON SESSION.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bradshaw (absent on leave), Colvig (absent on leave), Myers (absent on leave) and Ross—4.

### THIRD READING OF SENATE BILLS.

S. B. No. 46, a bill for an act to amend Section 766 of Title 7 of the Code of Civil Procedure, approved October 11, 1862, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw, Colvig, (on leave) Myers and Ross—4.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 47, a bill for an act entitled an act to amend Section 1 of Chapter 38 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Myers (on leave), Palmer and Ross—5.

So the bill passed, and the title was agreed to.

S. B. No. 48, a bill to provide for the payment of the claims arising from the Indian war of 1878, was read a third time. The question then was, "Shall the bill pass?" the yeas and nays were:

Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Thompson, Palmer, Pennington, Smith, Waldo and Mr. President—24.

Nays—Messrs. Cochran and Watt—2.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Myers (on leave), and Ross—4.

So the bill passed.

Mr. Smith asked and obtained leave to amend the title by inserting "1877 and," before 1878.

Mr. Cochran moved to further amend the title by striking out the word "war" and inserting the word "raid" in lieu thereof; which motion was lost.

The title as amended was agreed to.

Mr. Haley moved that when the Senate adjourn, it adjourn to meet at 2 o'clock P. M. Monday; which motion prevailed.

On motion of Mr. Hirsch, the Senate adjourned.

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MONDAY, OCT. 7, 1878.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bradshaw (on leave), Colvig (on leave), Hirsch (on leave), Palmer, Ross and Thompson—6.

Prayer was offered by Rev. E. P. Tower, of this city.

The journal of Saturday was read and approved.

Mr. Myers, Chairman of the Committee on Engrossments, reported S. B.'s Nos. 94, 97, 64 and 65 correctly engrossed.

The President announced the order of business to be

THIRD READING OF BILLS:

S. B. No. 52, a bill for an act to amend Sections 1 and 4 of Chapter 61 of Miscellaneous Laws of Oregon, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—Messrs. Cochran and Palmer—2.

Absent—Messrs. Bradshaw, Colvig and Hirsch (all on leave)—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 61, a bill for an act to amend Sections 155 and 273 of the Code of Civil Procedure of the State of Oregon, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig and Hirsch (all on leave)—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 63, a bill for an act to provide for liens of common carriers and other persons on personal property, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt—26.

Nays—Mr. President—1.

Absent—Messrs. Bradshaw, Colvig and Hirsch, (all on leave)—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 67, an act to regulate salmon fisheries on the Clackamas river, was read a third time, and the question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—Myers—1.

Absent—Messrs. Bradshaw, Colvig and Hirsch, all on leave—3.

So the bill passed and the title of the bill was ordered to stand as the title of the act.

S. B. No. 73, a bill for an act to amend Section 313 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by Matthew P. Deady and Lafayette Lane, was read a third time. The question then was, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig and Hirsch (all on leave)—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 76, a bill for an act to amend Section 575 of Title 1 of Chapter 7 of the Code of Civil Procedure, relating

to writ of reviews, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Thompson, Waldo, Watt and Mr. President—26.

Nays—Mr. Ross—1.

Absent—Messrs. Bradshaw, Colvig and Hirsch (all on leave)—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 80, a bill for an act to authorize the disposal of duplicates in the Library, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig and Hirsch (all on leave)—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 14, a bill to amend an act entitled an act to establish a uniform course of Public Instruction in the common schools of this State, approved Oct. 29, 1872, was read a third time. The question then was, "Shall this bill pass?" pending which, Mr. Haines moved that the bill be referred to the Committee on Education; which motion was lost.



The question then recurring on the passage of the bill, the yeas and nays thereon were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Davis, Fulton, George, Green, Grim, Haley, Lord, Pennington, Smith, Waldo and Watt—18.

Nays—Messrs. Cochran, Davidson, Haines, Jasper, Myers, Palmer, Ross and Mr. President—8.

Absent—Messrs. Colvig, Bradshaw, Hirsch (all on leave) and Thompson—4.

So the bill passed, and the title was agreed to.

By unanimous consent, Mr. Brown offered S. R. No. 20:

*Resolved*, That no Senator shall speak longer than three minutes on any bill on its third reading, without the unanimous consent of the Senate.

Mr. Palmer moved the adoption of the resolution.

Mr. Burch moved to amend the resolution by striking out "three" and inserting "five" in lieu thereof.

Mr. Burnett moved to amend by striking out "three" and inserting "fifteen."

Pending which, on motion of Mr. Watt, the Senate adjourned.

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## TUESDAY, OCT. 8, 1878.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bradshaw, Colvig and Hirsch (all on leave), and Mr. Palmer—4.

The Journal of yesterday was read and approved.

The President stated that the question pending at the time of the adjournment on yesterday, was the amendment pro-

posed by Mr. Burnett to S. R. No. 20, and that that was the question now before the Senate. A vote was taken thereon, and the amendment was lost.

The President then stated the question to be on the amendment proposed by Mr. Burch to S. R. No. 20; upon which question, a vote was taken and the amendment was lost.

The question then recurring on the adoption of the resolution, a vote was taken and the resolution was lost.

### THIRD READING OF BILLS.

Mr. George asked and obtained unanimous consent to have S. B. No. 69, a bill to establish houses of correction, and to provide for discipline therein, be taken up for consideration.

Mr. George moved that the bill be referred to a special committee of one, with instructions to amend Section 6 by striking out the following words: "the further sum of one dollar per day extra," and inserting in lieu thereof these words: "such further sum as the County Court may authorize or allow;" which motion prevailed.

The President appointed as such special committee, Mr. George.

Mr. Thompson asked and obtained unanimous consent to have H. J. R. No. 11 called up.

By direction of the President, the Clerk read the following

### MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 4, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 11, granting certain powers to the joint committee under H. C. R. No. 8, authorizing said committee to examine into the condition

of all State and swamp lands, extending back to the passage of the swamp land act, etc.

The House committee on H. C. R. No. 8, are Messrs. Galloway, White and Thompson, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE.

Chief Clerk.

H. J. R. No. 11, accompanying the foregoing message, was read.

Mr. Thompson moved to amend the resolution by striking out all after the word "oaths," and insert the following in lieu thereof: "That said committee sit during the recess, and report their proceedings to the next session of the Legislature; pending which, Mr. Apperson moved to refer the resolution to a select committee of three; which motion was lost.

The vote then recurring on the motion of Mr. Thompson to amend, the motion was lost.

Mr. Thompson then moved that H. J. R. No. 11 be adopted; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig and Hirsch (all on leave)—3.

So the resolution was adopted.

Mr. George asked and obtained unanimous consent to report S. B. No. 69 back to the Senate with the amendment as ordered by the Senate.

Mr. Cochran asked and obtained unanimous consent to submit the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 7, 1878. }

*Mr. President*—Your Committee on Ways and Means, to whom was referred S. B. No. 45, with instructions, having complied with the instructions herewith return the bill.

Yours respectfully,

R. B. COCHRAN,

Chairman.

S. B. No. 45, a bill for an act to amend Section 28, Subdivision 3, of General Laws, relating to duties of State Treasurer, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (on leave)—2.

So the bill passed.

Mr. Myers asked unanimous consent to have the title of the bill amended by striking out "Subdivision 3" and inserting "Title 3, Chapter 1," which request was granted, and the title as amended was agreed to.

S. B. No. 31, a bill for an act to regulate the measurement of and survey of lumber in the log, and affix the compensation therefor, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines,

Haley, Hirsch, Jasper, Myers, Pennington, Ross, Smith, Waldo and Watt—21.

Nays—Messrs. Apperson, Applegate, Davis, Lord, Thompson and Mr. President—6.

Excused from voting—Mr. Palmer—1.

Absent—Messrs. Bradshaw and Colvig (all on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 34, a bill for an act amendatory of and supplemental to an act entitled an act to incorporate the town of Marshfield, approved Oct. 24, 1874, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyen, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—25.

Nays—Mr. Burnett—1.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Palmer and Thompson—6.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Lord, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate was called to order by the President at the hour fixed by the rules.

The roll was called, and all the Senators were present ex-

cept Messrs. Bradshaw (on leave), Colvig (on leave), Fuller, Haines, Hirsch, Ross, Thompson and Waldo—8.

The President announced the order of business to be

**ENGROSSED BILLS READ A THIRD TIME.**

S. B. No. 51, a bill for an act to facilitate and regulate the transportation of logs, lumber, timber and other floatables on the rivers of this State and their tributaries, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig (both on leave) and Haines—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 56, a bill for the relief of John Flanigan, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 58, a bill for an act to amend Section 700 of Chapter 8 of Title 2 of the Criminal Code of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Palmer, from the committee to whom was referred S. B. No. 105 with instructions, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 105, beg leave to report the same back with the following corrections:

Strike out of the first line of Section 7 the figure "5;" also, strike out of the line nine of Section 11 the following words "or any county or city therein;" also, strike out of line ten and eleven in Section 11 all after the word "therefore," in said tenth and eleventh line.

J. S. PALMER,  
R. B. COCHRAN,  
L. BENTLEY.

S. B. No. 105, an act to amend an act entitled an act to

provide for the construction of the Willamette Valley and Coast Railroad, approved Oct. 24, 1874, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Applegate, Bently, Bilyeu, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—Messrs. Apperson and Davidson—2.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), and Ross—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 64, a bill for an act to provide for the care and keeping of the insane, and repeal Chapter 26 of the Miscellaneous Laws of Oregon of the Code of A. D. 1872, was read a third time. The question then was, "Shall this bill pass?" Upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Brown, Burnett, Cochran, Fulton, Grim, Lord, Palmer, Thompson, Waldo, Watt and Mr. President—14.

Nays—Messrs. Bilyeu, Burch, Davis, George, Green, Haines, Haley, Hirsch, Jasper, Myers, Pennington, Ross and Smith—13.

Absent—Messrs. Bradshaw, Colvig (both on leave) and Davidson—3.

So the bill failed to pass.

S. B. No. 68, a bill to license selling by sample, was read a third time. The question then was, "Shall the bill pass?" pending which, on motion of Mr. Hirsch, the bill was re-committed to the Committee on Commerce.



S. B. No. 69, a bill to establish houses of correction and to provide for discipline therein, was read a third time. The question then was, "Shall this bill pass?" pending which, Mr. Palmer moved that when the Senate adjourn it adjourn to meet at 7:30 o'clock this evening; which motion was lost.

Mr. Palmer moved that the Senate adjourn; which motion was lost.

The Senate then proceeded to vote on S. B. No. 69; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Burnett, Davis, Fulton, George, Green, Grip, Haley, Hirsch, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo—19.

Nays—Messrs. Brown, Burch, Cochran, Davidson, Haines, Jasper, Watt and Mr. President—8.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), and Smith—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Palmer, the Senate adjourned.

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### EVENING SESSION.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bradshaw, Colvig (both on leave), Burnett, Haines and Ross—5.

### THIRD READING OF SENATE BILLS.

S. B. No. 65, a bill for an act to amend an act to provide

for the times and places of holding the Supreme, Circuit and County Courts, approved October 28, 1872, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, and Colvig (both on leave), and Haines—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 74, a bill for an act to amend an act entitled an act providing for private incorporations and the appropriation of private property therefor, approved Oct. 14, 1862; and an act to amend an act entitled an act providing for private incorporations and the appropriation of private property therefor, approved Oct. 14th, 1862; approved 22, 1870, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 77, a bill for an act to amend an act entitled an

act to establish a uniform course of public instruction in the common schools of this State, approved Oct. 29, 1872, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo, Watt and Mr. President—26.

Nays—Messrs. Jasper and Thompson—2.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 79, a bill for an act to incorporate the town of Amity, in Yamhill County, Oregon, was read a third time. The question then being, "Shall this bill pass?" Pending which, Mr. Hirsch moved a call of the Senate.

The President directed the Clerk to call the roll. Whereupon, the Clerk proceeded to call the roll, and the Senators absent were, Messrs. Bradshaw and Colvig (both on leave), George, Lord, Palmer, Ross and Smith—7.

The President directed the Sergeant-at-Arms to bring in the absent members.

Shortly afterwards, some of the absent members appeared in the Senate Chamber.

Mr. Haley moved that further call of the Senate be dispensed with; which motion prevailed.

The Senate then proceeded to vote on S. B. No. 79; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord,

Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—27.

Nays—Mr. Watt—1.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 84, a bill for an act to provide for the transaction of business by the Judges of the Circuit Courts in vacation and each others' circuits, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 85, a bill for an act to amend Section 1026 of Title 6 of Chapter 14 of the Code of Civil Procedure, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 86, a bill for an act to amend Section 863 of Title 1, Chapter 11, and Section 968 of Title 3 of Chapter 13 of the Code of Civil Procedure, was read a third time. The question then was, "Shall this bill pass?" The yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Grim, Haines, Haley, Jasper, Myers, Pennington, Smith, Thompson and Mr. President—18.

Nays—Messrs. Apperson, Fulton, George, Grim, Hirsch, Lord, Palmer, Ross, Waldo and Watt—10.

Absent—Messrs. Bradshaw and Colvig (on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 87, a bill for an act to amend Section 8 of Title 2 of Chapter 15, Miscellaneous Laws of Oregon, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Watt—26.

Nays—Mr. President—1.

Absent—Messrs. Bradshaw and Colvig (both on leave), Davis—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 89, a bill for an act to repeal Section 6 of Chapter 30, of the Miscellaneous Laws, as compiled by Matthew

P. Deady and Lafayette Lane, to provide for the appointment of State Librarian, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were :

Yeas—Messrs. Applegate, Bentley, Brown, Burnett, Davis, Grim, Haines, Haley, Hirsch, Lord, Myers, Palmer, Waldo, Watt and Mr. President—15.

Nays—Messrs. Apperson, Bilyeu, Burch, Cochran, Davidson, Fulton, George, Green, Jasper, Pennington, Ross, Smith and Thompson—13.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill failed to pass.

S. B. No. 90, a bill for an act to amend Sections 5, 17 and 22 of Title 1 of Chapter 7 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were :

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Watt—27.

Nays—Mr. President—1.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Brown moved that when the Senate adjourn, it adjourn to meet at 9 o'clock to-morrow; which motion was lost.

On motion of Mr. Watt, the Senate adjourned.

WEDNESDAY, OCT. 9, 1878.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and the Senators absent were, Messrs. Bradshaw and Colvig (both on leave), and Mr. Watt—3.

Prayer was offered by Rev. Mr. Hill of this city. •

The Journal of yesterday was read, corrected and approved.

By unanimous consent, Mr. Watt offered S. J. R. No. 5:

*Resolved by the Senate, the House concurring:*

That the Secretary of State and State Treasurer be required to make to the two Houses, now in session, at the earliest practicable day, a supplemental report showing the transactions in those offices between the second day of September, A. D. 1878, the date of the close of the fiscal year upon which day said reports close, and to and including the day upon which said offices were turned over to the present incumbents, to the end that this Legislature may know the exact condition of the Treasury at the close of the outgoing Secretary and Treasurer.

Mr. Watt moved that the resolution be adopted; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—25.

Excused from voting—Messrs. Brown and Palmer—2.

Absent—Messrs. Bradshaw and Colvig (both on leave), and Haines—3.

So the resolution was adopted.

## THIRD READING OF BILLS.

S. B. No. 94, a bill to amend Section 64, Title 6 of Chapter 57, of Miscellaneous Laws of Oregon, relating to the collection and return of taxes and proceedings connected therewith, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

\* Yeas—Messrs. Apperson, Davidson, Fulton, Hirsch, Myers and Watt—6.

Nays—Messrs. Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davis, Green, Grim, Haines, Haley, Jasper, Lord, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—21.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), and George—3.

So the bill failed to pass.

S. B. No. 97, a bill for an act entitled an act to amend Sections 28 and 36 of Chapter 41 of the Miscellaneous Laws of the State of Oregon, compilation 1874, by Matthew P. Deady and Lafayette Lane, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Burnett, Davidson, Fulton, George, Green, Haines, Myers, Pennington and Smith—11.

Nays—Messrs. Apperson, Applegate, Brown, Burch, Cochran, Davis, Grim, Haley, Hirsch, Jasper, Lord, Ross, Thompson, Waldo, Watt and Mr. President—16.

Absent—Messrs. Bradshaw and Colvig (both on leave), and Palmer—3.

So the bill failed to pass.

S. B. No. 109, a bill for an act providing for the re-location of the county seat of Coos county, was read a third



time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—Mr. Burnett—1.

Absent—Messrs. Bradshaw, Colvig, (both on leave), Cochran, Hirsch, Palmer and Ross—6.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

S. B. No. 120, a bill for an act to amend Section 4 of an act to create the county of Lake, and to fix the salaries of County Judge and Treasurer, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw, Colvig (both on leave) and Palmer—3.

Mr. Hirsch was excused from voting.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Thompson asked, and obtained unanimous consent, to submit the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your committee to whom was referred

S. B. No. 91, have directed me to report S. B. No. 117 as a substitute therefor, and recommend that S. B. No. 117 do pass.

Mr. Myers moved to adopt the report; which motion prevailed.

#### BUSINESS ON THE TABLE.

Mr. Haines moved to indefinitely postpone S. B. No. 91, a bill to prevent the spread of contagious diseases among domestic animals; which motion prevailed.

S. J. R. No. 4, authorizing warrants in aid of Sandy and Dalles Wagon Road to be paid in payment for swamp lands, was on the table.

Mr. Thompson moved to adopt the resolution; pending which, on motion of Mr. Burnett, the resolution was postponed until 2 o'clock to-morrow.

On motion of Mr. Davis, the Senate adjourned.

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#### AFTERNOON SESSION.

Senate met at the usual hour and was called to order by the President.

The roll was called, and Messrs. Bradshaw and Colvig were absent (on leave).

Mr. Haley moved that the Senate now resolve into the Committee of the Whole for the consideration of S. B. No. 99.

By the consent of the Senate, Mr. Haley withdrew his motion.

#### FIRST READING OF HOUSE BILLS.

#### MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 30, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has passed H. B. No. 129, being a substitute for H. B. No. 22, a bill for an act to provide for the completion of the State Capitol building; and the same is herewith transmitted for the consideration of the Senate.

Very Respectfully,

W. L. WHITE,  
Chief Clerk.

H. B. No. 22 accompanying the foregoing message, was read a first time.

Mr. Cochran moved that the rules be suspended and the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Thompson, Waldo, Watt and Mr. President—24.

Nays—Messrs. Burnett, Fulton and Smith—3.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave) and Ross—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Haines moved that the bill be referred to the Committee on Public Buildings; which motion prevailed.

#### MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Sept. 30, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 37, a bill for an act for the protection of bridges and to regulate travel on the same.

Also, S. B. No. 39, for an act to amend Section 1, Chapter 48, Miscellaneous Laws of Oregon, so as to conform the same

to the United States Statutes, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 37, accompanying the foregoing message, was read a first time, and Mr. Cochran moved that the rules be suspended, and the bill be read a second time by title now; upon which question, the yeas and nays were :

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig (both on leave) and Ross—3.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Haines, the bill was ordered to a third reading to-morrow.

H. B. No. 39, was also read a first time.

Mr. Burnett moved that the rules be suspended and the bill be read a second time by title ; upon which question, the yeas and nays were :

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw, Colvig (both on leave) and Haines—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Burnett moved that the bill be referred to the Committee on Mining; which motion prevailed.

## MESSAGE FROM THE HOUSE,

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 3, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 70, a bill for the erection of a fish way or ladder at the falls of the Willamette, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 70 was read a first time.

Mr. Burnett moved that the rules be suspended and the bill be read a second time by title now; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davis, Davidson, Fulton, George, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), and Green—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Haley moved that the bill be ordered to a third reading to-morrow; which motion prevailed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 8, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 3, a bill to amend the law concerning the verdict of jurors, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 3, accompanying the foregoing message, was read a first time.

Mr. Apperson moved that the rules be suspended and the bill be read a second time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Ross, Smith, Waldo, Watt, Thompson and Mr. President—26.

Nays—Messrs. Fulton and Pennington—2.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Grim, the bill was referred to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 134, substitute for H. B. No. 105, for an act to repeal Sections 8 and 9 of Chap-

ter 1, Title 2, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane; also, Sections 24 and 25 of said Chapter and Title, and to provide clerical aid for the Secretary of State, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 134, accompanying the foregoing message, was read a first time, and passed to its second reading without a question.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 1, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 14, for an act to amend Section 310, Chapter 4, of the Civil Code of the General Laws of Oregon, approved October 11, 1862.

Also, H. B. No. 23, for an act to repeal the Wasco and Umatilla county fence law.

Also, H. B. No. 28, for an act to incorporate the town of Independence, in the county of Polk, and State of Oregon. And the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 14 was read a first time.

Mr. Brown moved that the rules be suspended, and the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord,

Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Palmer and Ross—4.

So the rules were suspended and the bill was read a second time by title.

On motion of Mr. Brown, the bill was referred to the Committee on Judiciary.

H. B. No. 23 was read a first time, and passed to its second reading without a question.

H. B. No. 28, accompanying the foregoing message, was on its first reading.

Mr. Watt moved that the rules be suspended and the bill be read a first time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Thompson, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (on leave), Palmer, Ross and Smith—5.

So the rules were suspended, and the bill was read a first time by title.

Mr. Bentley moved to further suspend the rules and read the bill a second time by title now; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord,



Myers, Pennington, Thompson, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Bradshaw, Colvig, (both on leave), Palmer, Ross and Smith—5.

So the rules were suspended, and the bill was read a second time by title.

Mr. Bentley offered the following amendment:

Amend Section 3, line 5, printed bill, after the sentence at 4 o'clock P. M., by adding, the inspectors at said first election shall be M. L. Pipes, Henry Hill and J. M. Butler.

Mr. Bentley moved to adopt; which motion prevailed.

On motion of Mr. Bentley, the bill was ordered to a third reading to-morrow.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 1, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 50, a bill for an act to amend Title 1 of Chapter 31 Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 50, accompanying the foregoing message, was read a first time.

Mr. Burch moved that the rules be suspended and the bill a second time by title now; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyen, Brown, Burch, Cochran, Davidson, George, Green, Grim, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Watt and Mr. President—20.

Nays—Messrs. Burnett, Davis, Fulton, Haines, Haley, Hirsch and Waldo—7.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave) and Ross—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Hirsch moved to refer to the Committee on Commerce; which motion was lost.

On motion of Mr. Myers, the bill was referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 130, substitute for H. B. No. 1, a bill for an act to authorize the construction of a bridge on the Willamette river, between the city of Portland and East Portland, in Multnomah county, State of Oregon, and the same is herewith transmitted, for the consideration of the Senate.

W. L. WHITE,

Chief Clerk.

H. B. No. 130 was read a first time.

Mr. George moved that the rules be suspended, and the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President.—25.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (on leave), Jasper, Palmer and Ross—5.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Smith the bill was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 1, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 54, for an act to define the boundary lines of Baker County, and to provide for a survey of the line between Baker and Grant Counties, and to repeal Sections 5 and 17 of Title 2 of Chapter 8 of the Miscellaneous Laws of Oregon, compiled by Deady and Lane in 1872, also to repeal an act entitled an act to create a commission from Grant and Baker Counties to establish an initial point, to define the boundary line between Grant and Baker Counties and to create a commission from Baker and Union Counties, to designate by name which fork of the North fork of Powder river shall be the line between Baker and Union Counties, approved October 26, 1874, also to repeal Section 1 of an act to create and organize the County of Grant, approved October 10, 1864, also to repeal an act to repeal an act to define the boundaries of Grant County, approved October 20, 1870, also to repeal an act entitled an act to define the boundaries of Grant County, approved October 19, 1872; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,

Chief Clerk.

H. B. No. 54, accompanying the foregoing message, being on its first reading, Mr. Fulton moved that the rules be sus-

pended and the bill be read a first time by title. The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—24.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Davis, Jasper, Palmer and Ross—6.

So the rules were suspended, and the bill was read a first time by title.

Mr. Haines moved to suspend the rules and read a second time by title now. The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—Mr. Fulton—1.

Absent—Messrs. Bradshaw, Colvig (both on leave), Palmer and Ross—4.

So the rules were suspended, and the bill was read a second time by title.

Mr. Haines moved to order the bill to a third reading to-morrow; pending which, Mr. Hirsch moved to refer to the Committee on Counties; which motion was lost.

The vote then recurring on the motion to order to a third reading to-morrow, the motion prevailed.

MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES, }  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has passed H. B. No. 133, substitute for H. B. No. 61, a bill for an act to amend Section 24 of Chapter 20, Title 1 of the General Laws of Oregon, as compiled by M. P. Deady and Lafayette Lane, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE.

Chief Clerk.

H. B. No. 133 was read a first time and passed to its second reading without a question.

Mr. George moved that the rules be suspended and that the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (on leave)—2.

So the rules were suspended, and H. B. No. 133 was read a second time by title.

Mr. George moved that the rules be further suspended, and that the bill be read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Burnett, Davis, Fulton, George, Grim, Hirsch, Lord, Palmer, Ross, Thompson and Waldo—11.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Cochran, Davidson, Green, Haines, Haley, Jasper, Myers, Pennington, Smith, Watt and Mr. President—17.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the Senate refused to suspend the rules to read H. B. No. 133 a third time now.

Mr. Myers moved to refer the bill to the Committee on Counties, but afterwards, by consent of the Senate, withdrew the motion.

Mr. Apperson moved to amend the bill by inserting the word "Clackamas" after the words "Cascade range of mountains;" which motion prevailed.

Mr. George moved that the bill be ordered to a third reading to-morrow; which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 26, to prevent the spread of contagious and infectious diseases.

Also, H. B. No. 89, a bill for an act to amend an act to prevent the spreading of contagious and infectious diseases among domestic animals, approved October 28, 1874, General Laws of Oregon, and the same are herewith transmitted for the consideration of the Senate. W. L. WHITE,

Chief Clerk.

H. B. No. 26 was read a first time, and passed to its second reading without a question.

H. B. No. 89 was read a first time, and passed to its second reading without a question.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 71, for an act to

legalize certain roads in Curry county, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 71 was read a first time, and passed to its second reading without a question.

Mr. Brown moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Bilyeu, Bradshaw, (on leave), Colvig, (on leave), Palmer and Thompson—5.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Brown, the bill was ordered to a third reading to-morrow.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 3, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 136, substitute for H. B. No. 51, for an act to extend the time in which the counties of Grant, Umatilla and Baker shall be required to transmit copies of their assessment rolls to the Secretary of State; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 136 was read a first time, and passed to its second reading without a question.

Mr. Davidson moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), and Palmer—3.

So the rules were suspended and the bill was read a second time by title.

On motion of Mr. Myers, the bill was ordered to a third reading to-morrow.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 10, a bill for an act to prohibit the employment of Chinese laborers on the improvement of streets and other public works of this State, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, George, Green, Grim, Haines, Haley, Hirsh, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—Messrs. Applegate and Davis—2.

Absent—Messrs. Bradshaw, Colvig (both on leave) and Fulton—3.

So the bill passed.



H. B. No. 24, a bill for an act to amend an act entitled "an act regulating enclosures," approved October 22, 1872, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Grim, Haines and Pennington—3.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Fulton, Green, Haley, Jasper, Lord, Myers, Ross, Smith, Thompson, Waldo, Watt and Mr. President—21.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Davis, George, Hirsch and Palmer—6.

So the bill failed to pass.

H. B. No. 31, a bill for an act to amend an act entitled "an act to incorporate the town of Jacksonville," approved October 19, 1860, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Davidson, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—None.

Absent—Messrs. Apperson, Bradshaw (on leave), Cochran, Colvig (on leave), Davis, Hirsch and Palmer—7.

So the bill passed.

H. B. No. 34, a bill for an act to incorporate the town of Lebanon, Linn County, State of Oregon, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Applegate, Bilyeu, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines,

Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—24.

Nays—Messrs. Bentley and Cochran—2.

Absent—Messrs. Apperson, Bradshaw (on leave), Colvig (on leave), and Palmer—4.

To the bill passed.

Mr. Burnett moved that when the Senate adjourn, it adjourn to meet at 7:30 o'clock this evening; which motion was lost.

Mr. Fulton asked leave to introduce a bill.

Mr. Hirsch objected.

On motion of Mr. Hirsch, the Senate adjourned.

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#### THURSDAY, OCT. 10, 1878.

The Senate met at the usual hour and was called to order by the President.

The roll was called and all the Senators were present except Messrs. Bilyeu, Bradshaw (on leave), Colvig (on leave), and Fulton—4.

The Journal of yesterday was read and approved.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 47, a bill for an act to amend Title 1 of Chapter 18, of the Miscellaneous Laws of Oregon, in regard to estrays, was read third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Brown, Burch, Jasper, Myers and Mr. President—6.

Nays—Messrs. Applegate, Bentley, Bilyeu, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines,

Haley, Hirsch, Lord, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Watt—22.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the bill failed to pass.

H. B. No. 28, a bill for an act to incorporate the town of Independence, in the county of Polk and State of Oregon, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—22.

Nays—None.

Absent—Messrs. Apperson, Applegate, Bradshaw (on leave), Colvig (on leave), Haines, Hirsch, Palmer and Ross—8.

So the bill passed.

H. B. No. 37, a bill for an act to provide for the protection of public bridges, and to regulate travel on the same, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Grim, Haines, Haley, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—Messrs. Fulton, George and Jasper—3.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Hirsch and Palmer—4.

So the bill passed.

H. B. No. 54, for an act to define the boundary lines of Baker County and to provide for a survey of the line between Baker and Grant Counties, and to repeal Sections 5 and 19

of Title 2, Chapter 8 of the Miscellaneous Laws of Oregon, compiled by Deady and Lane in 1872; also, to repeal an act entitled an act to create a commission from Grant and Baker Counties to establish an initial point to define the boundary line between Grant and Baker Counties, and to create a commission from Baker and Union Counties to designate by name which fork of the North Fork of Powder river shall be the line between Baker and Union Counties, approved October 26, 1874; also, to repeal Section 1 of an act to create and organize the County of Grant, approved October 10, 1864; also, to repeal an act to define the boundaries of Grant County, approved October 20, 1870; also, to repeal an act entitled an act to define the boundaries of Grant County, approved October 19, 1872, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

The bill was read a third time. The question then being, "Shall this bill pass?" Pending which, Mr. Haines obtained leave to correct a mistake in the engrossing of the bill; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr President—26.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Fulton, George—4.

So the bill passed.

Mr. Cochran moved that the House be requested to return H. B. No. 24, for the purpose of reconsidering the same.

Shortly after, the Clerk read the following

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 10, 1878. }

*Mr. President*—I am directed by the House, in pursuance of your request this day, for the return of H. B. No. 24 for reconsideration, do return the same.

Very respectfully,

W. L. WHITE,  
Chief Clerk.

H. B. No. 24, a bill for an act to amend an act entitled an act regulating inclosures, approved Oct. 22, 1872, accompanied the foregoing message.

Mr. Jasper moved that the vote by which H. B. No. 24 failed to pass, be reconsidered ; which motion prevailed.

The question then recurring on the passage of the bill, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Bentley, Bilyeu, Brown, Burch, Bennett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—Mr. Applegate—1.

Absent—Messrs. Bradshaw, Colvig (both on leave) and George—3.

So the bill passed.

H. B. No. 70, a bill for the erection of a fish way or ladder at the falls of the Willamette, was read a third time. The question then was, "Shall the bill pass?" Upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haley, Hirsch,

Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo and Mr. President—21.

Nays—Messrs. Bentley, Bilyeu, Davidson, Haines, Jasper, Thompson and Watt—7.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.  
So the bill passed.

H. B. No. 71, a bill for an act to legalize certain roads in Curry county, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—Mr. Fulton—1.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.  
So the bill passed.

H. B. No. 133, substitute for H. B. No. 61, a bill for an act to amend Section 24 of Chapter 20, Title 1, of the General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, was read a third time. The question then was, "Shall this bill pass?" Pending which, on motion of Mr. Burnett, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and the following named Senators were absent: Messrs. Bradshaw and Colvig (on leave), Fulton, Green, Ross and Thompson—6.

The President announced that the question before the Senate was, "Shall H. B. No. 133 pass?" Upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Watt—25.

Nays—Mr. President—1.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Fulton and Haines—4.

So the bill passed.

H. B. No. 136, substitute for H. B. No. 51, for an act to extend the time in which the Counties of Grant, Umatilla and Baker shall be required to transmit copies of their assessment rolls to the Secretary of State, was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—24.

Nays—Mr. Bentley—1.

Absent—Messrs. Applegate, Bradshaw, (on leave), Colvig, (on leave), Palmer and Ross—5.

So the bill passed.

MESSAGE FROM THE HOUSE.]

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. J. R. No. 10, and the same is herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. J. R. No. 10, and soon after announced that he had signed the same.

S. J. R. No. 4 being on the table, and made a special order for two o'clock to-day, was on motion of Mr. Thompson taken up.

Mr. Thompson moved the adoption of the resolution; pending which, Mr. Haines moved to lay on the table; which motion was lost.

The vote then recurring on the motion to adopt, the yeas and nays were:

Yeas—Messrs. Bentley, Brown, Burnett, Davidson, Davis, George, Green, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Smith, Thompson, Waldo and Mr. President—17.

Nays—Messrs. Apperson, Applegate, Bilyeu, Burch, Cochran, Fulton, Grim, Haley, Pennington, Ross and Watt—11.

Absent—Messrs. Colvig (on leave), and Grim—2.

So the resolution was adopted.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 9, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 105, for an act to amend an act entitled an act to provide for the construction of the Willamette Valley and Coast Railroad, approved October 24, 1874, and the same is herewith returned to the Senate for enrollment.

W. L. WHITE,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform



you that the House has passed S. B. No. 13, for an act to incorporate the town of Lafayette, in Yamhill County, Oregon.

Also, S. B. No. 35, for an act to cede jurisdiction to the United States over certain lands condemned for use in the construction of a canal around the Cascades of the Columbia river, Oregon.

Also, S. B. No. 53, for an act to amend an act passed by the Legislature of the State of Oregon, Oct. 19, 1874, to incorporate the town of Gervais, in Marion County, State of Oregon, and the same are herewith transmitted for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendment to H. B. No. 28, for an act to incorporate the town of Independence.

Also, that the House concurs in Senate amendment to H. B. No. 10, to prohibit the employment of Chinese laborers in certain cases, etc. Very Respectfully,

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to return to the Senate for their further consideration, H. J. M. No. 3, memorializing Congress for an extension of time for the completion of the North Pacific Railroad.

Very respectfully submitted,

W. L. WHITE,  
Chief Clerk.

By direction of the President, H. J. M. No. 3, was returned to the Committee on Railroads, from which it had been withdrawn.

MESSAGE FROM THE HOUSE :

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendment to H. J. M. No. 4, memorializing Congress to extinguish the title to the lands now occupied by the Umatilla Indians, etc.

Also, that the House has adopted H. J. M. No. 5, asking for an appropriation by Congress for improving the harbor of Coos Bay and Coquille River, and the same is herewith transmitted for the consideration of the Senate.

Very Respectfully,

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 9, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 12, for changing the Constitution so as to let the public printing to the lowest bidder, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 12 was read.

Mr. Burnett moved that the Senate concur therein; pending which, on motion of Mr. Hirsch, the resolution was amended by adding the following to Section 2: "But in no case shall said contract be awarded to any one who is not a resident citizen of this State."

The question then recurring on the adoption of the resolution, as amended, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—24.

Nays—Messrs. Davidson and George—2.

Absent—Messrs. Applegate, Bradshaw, Colvig (on leave), and Davis—4.

So the joint resolution, as amended, was concurred in.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 8, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 58, for an act to amend Section 700 of Chapter 8 of Title 2 of the Criminal Code of the State of Oregon, as compiled by M. P. Deady and Lafayette Lane, and the same is herewith returned to the Senate for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 3, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption of S. J. R. No. 3, authorizing the Secretary of State to purchase 250 copies of the sixth volume of Oregon Reports, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
SALEM, Oregon, Oct. 7, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 13, authorizing the committee of both Houses on Ways and Means to fix the per diem of the Clerks, Sergeant-at-arms, Dorkeeper, etc., and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 13, accompanying the foregoing message, was read, and on motion of Mr. Haines, the Senate concurred in the adoption of said resolution.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
SALEM, Oregon, Oct. 4, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in S. C. R. No. 17, for investigation of affairs of Sandy and Dalles Wagon Road Company, and that Messrs. Hughes and Starkweather have been appointed as committee on part of the House, and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
SALEM, Oregon, Sept. 30, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has had under consideration H. C. R. No. 2, creating a joint committee to invite Postmaster General Key to visit the Capital of the State, and concurs in said amendment; and that Honorables Thompson, Gates and

Hewit have been appointed as such committee on part of the House.

Very respectfully,  
W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 2, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 5, a bill for an act relating to and legalizing the elections of Justices of the Peace for certain precincts in Yamhill County.

Also, S. B. No. 12, a bill for an act to promote medical science, and the same is herewith transmitted for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 4, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendments to H. J. R. No. 10, authorizing joint committee on Penitentiary affairs to take testimony. Very respectfully,

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 8, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 7, for an act regulating salmon fisheries on the waters of the Columbia river and its tributaries, and the same is herewith returned to the Senate for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 8, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption of S. J. M. No. 3, asking for an appropriation for the improvement of Coos Bay bar.

Also, S. J. M. No. 4, to establish a military post at or near Baker City.

Also, S. J. M. No. 5, for the improvement of the mouth of Coquille River, and the same are herewith returned to the Senate for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 9, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 48, for an act to provide for the payment of the claims arising out of the Indian war in 1877 and 1878, by amending the same in Sections 3 and 6. Said amendments are attached to the bill, and the bill is herewith returned for the concurrence of the Senate to House amendments thereto.

W. L. WHITE,  
Chief Clerk.

First House Amendment—Amend by inserting after the words "allow the," in line 3 of Section 3, the words "just and reasonable."

On motion of Mr. Apperson, the amendment was concurred in.

Second House Amendment—Amend Section 6 by striking out the words "gold coin," in line 5, and insert the words "lawful money," instead.

On motion of Mr. Apperson, the amendment was concurred in.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 8, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 11, for an act to create the office of Fish Commissioner for the Columbia river, to license the taking of salmon in the Columbia river and its tributaries, and to encourage the establishment of hatching houses on the Columbia river for the propagation of salmon, and amended the same by adding an additional Section 9, which is attached to the bill, and the same is herewith returned, asking the concurrence of the Senate to said amendment.

W. L. WHITE,  
Chief Clerk.

House amendment—Add the following to the bill :

Section 9. Any person or persons, or incorporated company, who shall receive from the Fish Commissioner the funds created by this act, or any portion thereof, shall first execute a bond to the State of Oregon with two or more sureties to be approved by the Governor, in the sum of ten thousand dollars, that all moneys coming into his or their hands under the provisions of this act shall be used for the propagation of salmon and for no other purpose, and shall make a sworn report to the Governor on or before the first of January of each year thereafter, of the amount of money received, and how expended, and the probable amount of salmon hatched by such person or persons during said year.

On motion of Mr. Hirsch, the amendment was concurred in.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 4, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. B. No. 18, H. J. M. No. 1, H. J. M. No. 4, and H. J. R. No. 7, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. B. No. 18, H. J. M. No. 1, H. J. M. No. 4 and H. J. R. No. 7, and shortly afterwards announced that he had signed the same.

Mr. Thompson moved that when the Senate adjourn, it adjourn to meet at 7:30 o'clock this evening; which motion prevailed.

Mr. Burch asked and obtained leave of absence for Mr. Bradshaw until next Monday.

Mr. Palmer moved that the Senate adjourn; which motion was lost.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate correction to H. B. No. 54, for an act to define the boundaries of Baker and Grant counties, etc.

Very respectfully,  
W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform



you that the House has concurred in Senate amendment to H. B. No. 133, amending Section 24 of Chapter 20, Title 1, General Laws, fixing salary of Assessor of Multnomah County. Very respectfully,

W. L. WHITE.

Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. J. R. No. 11, and the same is herewith transmitted for your signature.

W. L. WHITE,

Chief Clerk.

The President announced that he was about to sign H. J. R. No. 11, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has reconsidered the amendment made by the Senate to H. B. No. 133, and that the House asks a committee of conference in reference to the disagreement between the two Houses; and that Messrs. Kelly and Schröder have been appointed such committee on the part of the House; the consideration of which is respectfully solicited.

W. L. WHITE,

Chief Clerk.

The President appointed as the committee on the part of the Senate, on said disagreement, Messrs. Myers and Apperson.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 9, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 171, for an act to incorporate the city of Weston.

Also, H. B. No. 159, for an act to incorporate the city of Union, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

The House bills accompanying the message were passed to their first reading.

On motion of Mr. Cochran, the Senate adjourned.

## EVENING SESSION.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Applegate, Bradshaw (on leave), Colvig (on leave).

Mr. Palmer moved that the President appoint a Page to fill the place of John Jennings, who at present is sick; which motion prevailed.

The President appointed Dick Hensley to fill said position.

Other business of the House being in order, the following message was read:

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has passed H. B. No. 119, for an act to provide for the payment of mileage and per diem of Representatives, and other expenses, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 10, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 58, for an act to limit the time for the commencement of actions to recover the possession of real property, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Cochran moved that the Senate now resolve into the Committee of the Whole for the purpose of considering S. B. No. 99; which motion prevailed.

Mr. Burch was called to the chair.

Soon afterward, the committee arose, and through their chairman, reported progress, etc.

On motion of Mr. Hirsch, the Senate adjourned.

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TUESDAY, OCT. 11, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and the following named members were absent: Messrs. Bradshaw (on leave), Colvig (on leave) and Hirsch—3.

The Journal of yesterday was read.

By unanimous consent of the Senate, the President directed the Clerk to make certain corrections.

OTHER BUSINESS FROM THE HOUSE.

H. B. No. 58, for an act to limit the time for the commencement of actions to recover the possession of real property, was read a first time.

Mr. George moved that the bill be amended by adding to Section 4, "*Provided*, That in all cases where a cause of action has already accrued, and the period prescribed by this Section, within which an action may be brought, has expired, or will expire within one year from the approval of this act, action may be brought on such cause of action within one year from the date of the approval of this act;" which motion prevailed.

M. George moved to amend Section 2 by striking out the word "except," in Section 17 as amended, line one, and insert in lieu thereof the word "or;" and by striking out the word "or," in second line, and in lieu thereof inserting the word "except;" which motion prevailed.

Mr. George moved that the rules be suspended and the bill be read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bilyeu, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—24.

Nays—Messrs. Bentley, Burnett, Haines and Ross—4.

Absent—Messrs. Bradshaw and Colvig (both on leave)—2.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Brown, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Lord, Myers, Palmer, Ross, Smith, Thompson, Waldo, Watt, and Mr. President—21.

Nays—Messrs. Bentley, Bilyeu, Burch, Burnett, Haines, Jasper and Pennington—7.

Absent—Messrs. Bradshaw and Colvig (both on leave).

So the bill passed.

H. B. No. 119, a bill for an act to appropriate money for the payment of the mileage and per diem and other necessary expenses of the Legislative Assembly, and to provide funds for that purpose, was read a first time.

Mr. Burnett moved that the rules be suspended and the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo and Watt—25.

Nays—Messrs. Apperson and Mr. President—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. Lord offered the following amendment:

Amend by striking out Section 2 and inserting the following:

Section 2. The Treasurer of State is hereby directed to pay the warrants drawn by the Secretary of State under this act out of any money in the treasury not otherwise appropriated, and if there is not sufficient money in the general fund to pay all said warrants, then the Treasurer of State shall transfer from the soldiers, bounty fund to the general fund such an amount of money as may be needed to make

up sufficient funds for the payment of the above stated warrants drawn under this act, and shall again restore to the bounty fund whatever amount has been transferred from it to the general fund, as soon as funds come into the Treasury applicable for that purpose.

On motion of Mr. Lord, the amendment was adopted.

Mr. Haines moved that the bill be amended by inserting after the word officers, Section 3, the words, "Committee Clerks and other expenses."

On motion of Mr. Haines, the amendment was adopted.

Mr. Fulton moved that the rules be suspended and the bill be read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Bradshaw, Colvig (both on leave), George, Palmer and Ross—5.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo and Watt—23.

Nays—Messrs. Apperson and Mr. President—2.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Davidson, George and Ross (on leave)—5.

So the bill passed.

H. B. No. 159, an act entitled an act to incorporate the town of Union, being on its first reading, Mr. Jasper moved that the rules be suspended and the bill be read a first time by title. The yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—33.

Nays—Mr. Cochran—1.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Davidson, Davis, George and Ross (on leave)—6.

So the rules were suspended, and the bill was read a first time by title.

Mr. Jasper further moved that the rules be suspended and the bill be read a second time by title; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—22.

Nays—None.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Davidson, Davis, George, Palmer, Ross (on leave), and Watt—8.

So the rules were suspended and the bill was read a second time by title.

On motion of Mr. Jasper, the bill was ordered to a third reading to-morrow.

On the motion of Mr. Brown, the Senate adjourned.

## AFTERNOON SESSION.

The Senate met at the hour fixed by the rules and was called to order by the President.

The roll was called, and the Senators absent were: Messrs. Bradshaw and Colvig (on leave), Hirsch and Ross.

Mr. Bentley asked indefinite leave of absence for Mr. Ross, on account of sickness; which request was granted.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. B. No. 105 correctly enrolled.

H. B. No. 111, a bill for an act to incorporate the City of Weston, being on its first reading, Mr. Jasper moved that the rules be suspended and the bill be read a first time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Thompson, Waldo, Watt, and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw and Colvig (on leave), Ross and Smith—4.

So the rules were suspended, and the bill was read a first time by title.

Mr. Pennington moved to further suspend the rules and read H. B. 171 a second time by title now; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Myers, Pennington, Thompson, Waldo, Watt and Mr. President—26.



Nays—None.

Absent—Messrs. Bradshaw and Colvig (both on leave),  
Ross and Smith—4.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Jasper, the bill was ordered to a third reading to-morrow.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 11, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 115, for an act to improve the breed of stock cattle in the Counties of Lake and Wasco, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 115, a bill for an act to incorporate the town of Weston, was read a first time.

Mr. Haines moved that the rules be suspended and the bill be read a second time by title; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw, Colvig, (both on leave), Palmer and Ross (on leave)—4.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Thompson, the bill was ordered to a third reading to-morrow.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. B. No. 11 and S. J. M. No. 5 correctly enrolled.

Mr. Thompson moved to take up S. B. No. 117, an act to prevent the spreading of infectious and contagious diseases among sheep; which motion prevailed.

S. B. No. 117, having been read a first time heretofore, Mr. Thompson moved that the rules be suspended and the bill be read a second time by title. The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bilyeu, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—Messrs. Bentley and Burnett—2.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Ross (on leave)—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Thompson moved that the bill be considered engrossed and read a third time now, but by unanimous consent of the Senate, withdrew the motion.

Mr. Bentley moved to amend the bill by striking out of Section 1, eighth line, printed bill, after word "sheep," to and including the words "year and," in eleventh line of said bill.

Mr. Bentley moved to adopt the amendment; which motion was lost.

On motion of Mr. Watt, the bill was referred to a select committee of three, consisting of Messrs. Bentley, Thompson and Green.

## PETITIONS, MEMORIALS, ETC.

Mr. George presented a petition from the Portland Board of Trade, asking the Legislature to memorialize Congress to make an appropriation for improvement of the Willamette and Lower Columbia rivers.

Messrs. George, Hirsch and Brown, asked to have the petition read ; which request was granted.

Mr. George offered S. J. M. No. 6 :

*To the Senate and House of Representatives of the United States of America :*

Your memorialists, the Legislative Assembly of the State of Oregon, would most respectfully represent: The War Department of the U. S. has presented to the present Congress the plans of the U. S. Pacific Coast Board of Engineers for the permanent improvement of lower Willamette and lower Columbia rivers, and has recommended an appropriation therefor, and as the shipping and commerce on these rivers are increasing rapidly each year, and it is essential that these improvements be made as early as practicable. Wherefore, your memorialists pray your honorable body to grant an appropriation sufficient to complete the said improvement, and your memorialists will ever pray.

Mr. George moved to adopt. The yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw, Colvig, Ross (all on leave) and Thompson—4.

Mr. Fulton presented a memorial from the Pioneer Histor-

ical Society, asking for an appropriation for the purpose of erecting a monument in memory of Dr. Marcus Whitman.

On motion of Mr. Fulton, the memorial was referred to the Committee on Ways and Means.

Mr. George presented a petition from the people of Multnomah county, asking for a bridge across the Willamette River at Portland.

On motion of Mr. George, the petition was referred to the Committee on Commerce.

Mr. Bilyeu presented a petition from the citizens of Linn county, asking the passage of a law to prevent domestic animals from running at large.

On motion of Mr. Bilyeu, the petition was referred to the Senators of Linn county.

Mr. Palmer, chairman of the Committee on Enrolled Bills, reported S. J. M. No. 4, S. J. M. No. 3, S. J. R. No. 3, S. B. No. 5 and S. B. No. 7, correctly enrolled.

#### REPORTS OF STANDING COMMITTEES.

Mr. Burnett, from the Judiciary Committee, submitted the following

#### REPORT:

SENATE CHAMBER,  
SALEM, Oct. 9, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 101, a bill for an act to authorize foreign corporations to do business and exercise their corporate powers within the State of Oregon.

Also, S. B. No. 102, a bill for an act to regulate foreign corporations transacting business in this State, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and recommend that the bill do pass as amended.

1. Amend S. B. No. 101 by striking out the whole of Section 1.

2. Strike out "such" in the first line of second Section.

1. Amend S. B. No. 102 by inserting after the word "to," in the title of the bill, "license tax and;" insert after the word corporations, "companies, persons and corporations."

2. Amend Section 7 by inserting before the word provisions, in second line, printed bill, "foregoing."

3. Add Sections, 8, 9, 10, 11 and 12, as follows:

Section 8. Foreign corporations, companies, persons or associations engaged in the business of brokerage or loaning money in this State, shall be subject to and shall pay taxes upon the amount of funds or capital so employed or used, the same as though such funds or capital were owned by parties resident of this State. That in order to ascertain the amount of funds or capital so employed, the Assessors of the various counties of the State shall examine the records of their respective counties, and all mortgages or other securities there found in favor of such corporations, companies, persons or associations, or for their use or benefit, expressly or in fact, shall be *prima facie* evidence that the corporation, company, person or association employs or uses in such county the amount of money specified in such securities as being secured thereby, and which amount shall be included in the Assessor's list of the property of such county made for the purposes of taxation, and shall be assessed in such county for all purposes, the same as other property therein; and in case such corporation, company, person or association shall fail to pay such tax so assessed, when the taxes of the year become payable, their right to do business in this State shall wholly cease and determine; and all remedies allowed by

law for the collection of taxes shall be applicable, so far as they can be applied, to the collection of such tax.

Sec. 9. Foreign insurance and express corporations, companies or associations doing business in this State, shall respectively pay a license to the Treasurer of the State, as follows, viz.: Foreign insurance corporations, companies or associations engaged in the business of marine insurance, shall each pay an annual license of one hundred dollars. Foreign insurance corporations, companies or associations engaged in the business of life insurance, shall each pay an annual license of one hundred and fifty dollars. Foreign insurance corporations, companies or associations engaged in the business of fire insurance, shall each pay an annual license of two hundred and fifty dollars. And foreign express corporations, companies or associations doing business in this State, shall each pay an annual license of one thousand dollars, which said several licenses shall mature and become payable on the first day of January of each year.

Sec. 10. No corporation, company or association named or referred to in Section 9 of this act shall be authorized to engage in, or if now in business as there mentioned, shall be allowed to continue any such business without having paid the annual license as therein specified; *Provided*, That when such corporation, company or association shall hereafter engage in business as aforesaid, such corporation, company or association shall only be required to pay *pro rata* for the time intervening between such time and the first day of January next thereafter. And no such corporation, company or association now engaged in business in this State, as before mentioned, shall be required to pay the annual license herein provided, until the first day of January 1879, which shall be deemed one year's license in advance.

Sec. 11. Any person who shall act, or profess to act, as the agent or solicitor of any corporation, company or association in this State, to enable such corporation, company or association to do business in this State, or with a view or purpose of such corporation, company or association doing business in this State as herein mentioned, before such corporation, company or association has paid the license as herein provided, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, and by fine not exceeding five hundred dollars, and the continuance to so act after complaint being made, or indictment found therefor, shall be deemed a new offense.

Sec. 12. Inasmuch as the law regulating foreign corporations is incomplete, this act shall take effect and be in force from and after the first day of December, 1878.

Respectfully submitted, JOHN BURNETT,  
Chairman. •

On motion of Mr. Burnett, the first amendment to S. B. No. 101 was adopted.

On the further motion of Mr. Burnett, the second amendment was adopted.

Mr. George moved that the rules be suspended, and that S. B. No. 101 be considered engrossed and read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Smith, Waldo, Watt and Mr. President—22.

Nays—Messrs. Cochran, Davis, Palmer and Pennington—4.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave), Ross and Thompson—4.

So the rules were suspended, and the bill was considered engrossed and read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Waldo and Watt—21.

Nays—Messrs. Apperson, Fulton, Palmer, Smith and Mr. President—5.

Absent—Messrs. Bradshaw (on leave), Colvig (on leave) Ross and Thompson—4.

So the bill passed, and the title was agreed to.

Mr. Burnett, moved to adopt the first amendment to S. B. No. 102 reported by the Judiciary Committee.

The President decided the amendment out of order, for the reason that the title could not be amended at this stage of the bill.

On motion of Mr. Burnett, the second amendment reported by the committee, to the bill, was adopted.

Mr. Hirsch asked unanimous consent to have the third amendment printed.

Mr. Burnett objected.

Mr. Myers moved to adopt the third amendment.

Mr. Hirsch moved to amend the amendment by adding to Section 8 the following: "Any taxes to be paid under this act, by any such foreign corporation, shall be paid into the treasury of the county where they have their principal business office;" which motion was lost.

Mr. Smith offered an amendment to the amendment, but afterwards withdrew the same.



The question then recurring on the motion to adopt the third amendment reported by the committee, a vote was taken, and the motion prevailed.

On motion of Mr. Davis, the Senate adjourned.

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SATURDAY, OCT. 12, 1878.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bradshaw, Colvig, (both on leave), George, Palmer, Ross (on leave) and Watt—6.

Prayer was offered by Rev. E. P. Tower of this city.

The Journal of yesterday was read and approved.

President announced the consideration of S B. No. 102 to be in order.

Mr. Hirsch offered the following amendment :

Section 13. Any person or persons who shall in any county of this State, sell or offer to sell, or who shall in any manner contract to sell, or solicit for the sale of any goods, wares, merchandise, distilled liquors, drug or medicines, jewelry or other property of any kind, except wheat, wool, agricultural productions and imports of foreign goods, wares and merchandise in unbroken cases or packages upon which duties have been paid or secured to be paid to the United States, either with or without card or sample, or written on printed list or catalogue, or other specimen, without at the time having at or in said county, goods, wares, merchandise, distilled liquors, drugs or medicines, jewelry or other property, other than that excepted, or a bill of lading, or a receipt of a common carrier therefor, showing on its face that

said goods, wares, merchandise, distilled liquors, drugs or medicines, jewelry or other property named therein are in transitu to said county, shall pay a license in every such county in proportion to the amount of business to be done by him or them, as follows, viz:

Those doing business to the amount of ten thousand dollars, or under, per annum, must pay a license of one hundred and fifty dollars for every thousand dollars of business, in addition, two and one-half per centum upon each thousand of such additional amount; and there shall be no abatement upon such license for any shorter period of time than one year. Any person or persons who shall purpose to engage in the aforesaid business, shall apply for a license to the Assessor of the county in which such business is to be carried on, and said Assessor shall thereupon issue to such person or persons, a license in the name of the county aforesaid, to sell to such amount as such person or persons may designate, inside the county aforesaid, for the term of one year, or for such shorter period as such person or persons may desire; and thereupon, such person or persons, after paying the license assessed, may proceed to engage in the business described in Section 1 of this act.

*Provided, however,* that if the sales from which such license has been taken out, shall exceed in amount the amount for which such license was issued, the person or persons operating under such license must forthwith report such fact to the Assessor and be re-assessed for such additional amount. It shall be the duty of the Assessor, after issuing the license as provided for in the foregoing section, to immediately transmit a copy of such license to the Sheriff of the county, who shall forthwith collect the same. All money col-

lected on such license shall go to the county in which the same be assessed and collected.

Any person or persons who shall refuse or neglect to pay the license assessed in pursuance of this act, or who shall violate any of the provisions of this law, shall for each violation thereof be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one month nor more than six months, or by both such fine and imprisonment. Said fine, when collected, shall be paid as follows: One-half to the Assessor of the county, and the other half to the county in which such offense was committed. All licenses under this law shall be known and designated as "Sample Sellers' Licenses."

Mr. Hirsch moved that the amendment be adopted; which motion was lost.

On motion of Mr. Burnett, the bill was ordered engrossed and to a third reading to-morrow.

#### REPORTS OF STANDING COMMITTEES.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following

#### REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 103, a bill for an act to punish vagrants, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, and recommend the bill as amended:

Amend Section 1 by inserting the word "immediately" after the word "depart" in line two, printed bill.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Burnett moved to adopt the report, which motion prevailed.

Mr. Burnett also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred H. B. No. 3, a bill to amend Title 1, Chapter 12 of the Civil Code, concerning the verdict of jurors, have had the same under consideration, and have instructed me to report the same back with the recommendation that it do not pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

On motion of Mr. Haley, further consideration of the bill was indefinitely postponed.

Mr. Burnett also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 4, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred H. B. No. 6, a bill for an act to authorize Dalles City to dispose of certain land by it held in trust and to provide for the disposal of the proceeds thereof.

Also, H. B. No 8, a bill for an act to be entitled an act to enable Dalles City to sell and dispose of the certain tract of land by it purchased from the United States, and designated

on the surveyed plat of the United States as parts of Sections 3, 4, 9 and 10 in Township 1, North of Range 13 East of the Willamette Meridian, and as cash entry No. 1161, and to provide for the disposition of the proceeds thereof, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that they pass. Respectfully submitted,

JOHN BURNETT,  
Chairman.

Mr. Thompson moved that H. B. No. 6, be ordered to a third reading to-morrow; which motion prevailed.

On the further motion of Mr. Thompson, H. B. No. 8 was ordered to a third reading to-morrow.

Mr. Burnett submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 27, a bill for an act to provide for the election of Supreme and Circuit Judges in distinct classes, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That hereafter there shall be elected Supreme and Circuit Judges in distinct classes, as hereinafter provided.

Sec. 2. On the first Monday in June, 1880, there shall be elected three Justices of the Supreme Court, whose terms of office shall commence on the first Monday of July, 1880, and continue, one for six years, one for four years, and one for two years, said terms to be allotted among themselves on

the first day of the regular term of court after their election. And at every general election after said first Monday of June, 1880, there shall be elected one or more Justices of the Supreme Court, to fill any vacancy that may occur by expiration of the term, death, resignation or removal; and their term of office shall commence on the first Monday of July after their election, and continue for six years, and until their successors are elected and qualified.

Sec. 3. There shall be two terms of the Supreme Court annually, to be held at the seat of government, one commencing on the first Monday in January, and one commencing on the first Monday in July.

Sec. 4. The duties and jurisdiction of said Supreme Court and the Judges thereof shall be such as are provided by the Constitution and the laws.

Sec. 5. The Judges of the Supreme Court shall each receive an annual salary of two thousand dollars, payable quarterly.

Sec. 6. There shall be elected on the first Monday in June, 1880, a Circuit Judge in each of the Judicial Districts as they now exist in this State, whose term of office shall commence on the first Monday in July, 1880, and continue for six years and until their successors are elected and qualified; and at the general election in 1886, and every six years thereafter, there shall be elected a Circuit Judge in each of the said Judicial Districts, whose term of office shall commence on the first Monday of July thereafter, and continue for six years and until their successors are elected and qualified.

Sec. 7. The duties and jurisdiction of said Circuit Courts and the Judges thereof shall be such as are provided by the Constitution and the laws.

Sec. 8. That the Judges of the Circuit Courts shall each receive an annual salary of two thousand dollars, payable quarterly.

Sec. 9. The Judges of the Supreme and Circuit Courts shall be citizens of the United States, and shall have resided in the State of Oregon at least three years next preceding their election or appointment, and the Judges of the Circuit Courts shall be residents of their respective districts at the time of their election or appointment.

Sec. 10. Within twenty days after the taking effect of this act, the Governor shall appoint three Judges of the Circuit Courts who shall, within ten days after receiving notice of their appointment, qualify and enter upon the duties of their offices, and who shall continue to hold their offices until their successors are elected and qualified as provided in this act.

Sec. 11. Inasmuch as there is no law providing for the election or appointment of Supreme and Circuit Judges in distinct classes, this act shall take effect and be in force from and after its approval by the Governor.

Your committee recommend that the bill pass as amended.

Respectfully submitted,                      JOHN BURNETT,  
Chairman.

By unanimous consent, the report was amended.

Mr. Burnett moved to adopt the report; which motion prevailed.

Mr. Haines moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Burnett submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 4, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom

was referred S. B. No. 72, a bill for an act to redistrict the State of Oregon for judicial purposes and to fix the time of holding Circuit Courts in the different counties of the State, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and recommend that it do pass as amended: Insert the word "and" after Josephine, in second line of Section 1, printed bill, and strike out "Coos and Curry" in same line. Strike out the words "and Polk" in second line of Section 2, printed bill, and insert in lieu thereof, "Coos and Curry." Strike out the word "and," in second line of Section 3, printed bill, and add after the word "Washington," in same line, "and Polk." Strike out all after Section 5.

Respectfully submitted,

JOHN BURNETT

Chairman.

Mr. Haines moved to adopt the report; which motion prevailed.

The special committee of conference on H. B. No. 133, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—We, your Committee of Conference, appointed to consider the reason of the non-concurrence to Senate amendment to House bill No. 133, would respectfully report that we find the cause of the non-concurrence to be that members of the House, from other counties than specified in the bill, have expressed the desire to have their Assessors receive \$4 per day. We also find that there is no objection on part of the House to the amendment offered by the Senate.



We therefore recommend the concurrence in the Senate amendment.

J. T. APPERSON,  
JOHN MYERS,  
HENRY SCHRÖEDER,  
P. KELLY.

On motion of Mr. Hirsch, the report was adopted.

Mr. Bentley asked leave of absence for the remainder of the day; which request was granted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 12, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted the report of the Committee of Conference, to whom was referred H. B. No. 133, being substitute for H. B. No. 61, for an act to amend Section 24 of Chapter 20, Title 1, General Laws of Oregon, fixing salary of Assessor of Multnomah County.

Very respectfully, W. L. WHITE,  
Chief Clerk.

Mr. Palmer, Chairman of Committee on Enrolled Bills, reported S. B's No. 12, 35 and 58 correctly enrolled.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 12, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 105, and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. B. No. 105, and shortly after announced that he had signed the same.

On motion of Mr. Hirsch, the Senate adjourned.

### AFTERNOON SESSION.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bentley, Bradshaw and Colvig (all on leave). Fulton, George, Ross (on leave) and Watt—7.

#### REPORTS OF STANDING COMMITTEES.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following

#### REPORT:

SENATE CHAMBER,  
SALEM, Oct. 8, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 100, a bill for an act to amend Section 1115, page 329, of the Civil Code, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendment: Insert "Section 1" before the word "that," following the enacting clause, in the original bill. Your committee recommend that the bill pass as amended.

Respectfully submitted,      JOHN BURNETT,  
Chairman.

On motion of Mr. Burnett, the amendment was adopted.

On the further motion of Mr. Burnett, S. B. No. 100 was ordered to be engrossed and read a third time to-morrow.

Mr. Burnett also submitted the following report from the Judiciary Committee on S. B. No. 30 and S. B. No. 95.

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 8, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred S. B. No. 30, a bill for an act to regulate and define the homestead, and to exempt the same from judicial sale.

Also, S. B. No. 95, a bill for an act for the relief of purchasers at judicial sales, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that they do not pass.

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Fulton moved that S. B. No. 30 be ordered engrossed and read a third time to-morrow; which motion was lost.

Mr. Haley moved that S. B. No. 95 lie upon the table; which motion was lost.

Mr. Waldo moved that S. B. No. 95 be ordered engrossed and read a third time to-morrow; which motion was lost.

Mr. Cochran submitted the following report from the Committee on Ways and means on S. B. No. 54.

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 4, 1878. }

*Mr. President*—Your Committee on Ways and Means report that having had S. B. No. 54 under consideration, they would recommend the following amendments, to wit:

First Amendment—Insert in line 2, Section 1, after the word "same" the words "at any time within one year after the passage of this act."

Second Amendment—In Section 1, line 5, strike out the

words "such tender" and insert the words "the passage of this act."

And as so amended, that the bill be favorably considered by the Senate.

R. B. COCHRAN,

Chairman.

On motion of Mr. Cochran, the first amendment was adopted.

On the further motion of Mr. Cochran, the second amendment was adopted.

On motion of Mr. Myers, S. B. No. 54 was ordered to be engrossed and read a third time to-morrow.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 53 correctly enrolled.

Mr. Cochran, from the Committee on Ways and Means, submitted the following report on S. B. No. 96, a bill for an act to amend Section 5 of an act entitled an act to amend Sections 1 and 5 of Title 1 of the Miscellaneous Laws of Oregon, relating to property and polls subject to assessment and taxation, approved October 21, 1876:

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 4, 1878. }

*Mr. President*—The Committee of Ways and Means, to whom was referred S. B. No. 96, report that having had the same under consideration, recommend that Section 1 be amended as follows: Strike out the whole of Section 1 and insert: "That Section 5 of an act entitled an act to amend Sections 1 and 5 of Title 1 of Chapter 57 of the Miscellaneous Laws of the State of Oregon, relating to property and polls subject to assessment and taxation," approved Oct. 21, 1876, be amended to read as follows:" and

as so amended, refer back to Senate without recommendation.

R. B. COCHRAN,  
Chairman.

On motion of Mr. Cochran, the report was adopted, and on motion of Mr. Hirsch, the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Haley, from the Committee on Elections, submitted the following report on S. B. No. 3, a bill for an act to amend Section 4 of an act redistricting the State into senatorial and representative districts, and fixing the number of senators and representatives in the Legislative Assembly, approved October 19, 1872:

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 12, 1878. }

*Mr. President*—Your Committee on Elections, to whom was re-referred S. B. No. 3, having had the same under consideration, would respectfully report it back to the Senate and recommend the following amendments:

1. Amend said bill by striking out of line 10 of printed bill, the word "three," and insert in lieu thereof the word "two."

2. After the word "representative," in the 28th line of the printed bill, add the following: "The County of Lake shall constitute the twenty-third representative district, and shall be entitled to elect one representative."

S. D. HALEY,  
Chairman.

On motion of Mr. Fulton, the first amendment was adopted.

On the further motion of Mr. Fulton, the second amendment was adopted.

Mr. Fulton moved that the bill be ordered engrossed and read a third time to-morrow ; which motion was lost.

Mr. Smith, from the Committee on Claims, submitted the following report on S. B. No. 93, a bill for the relief of W. W. Buck.

REPORT :

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—Your Committee on Claims, to whom was referred S. B. No. 93, beg leave to report the same back with an amendment and recommend that it pass.

JOHN H. SMITH,  
Chairman.

Amendment—Strike out the words “six hundred and one dollars and ninety cents,” in lines 4 and 5, Section 1, and insert “three hundred and twenty-seven dollars and twelve cents.”

On motion of Mr. Myers, the amendment was adopted.

On the further motion of Mr. Myers, the bill was ordered engrossed and to a third reading to-morrow.

Mr. Smith also submitted the following report from the Committee on Claims, on S. B. No. 98, a bill for an act for the relief of W. S. Hand :

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—The Committee on Claims, to whom was referred S. B. No. 98, beg leave to report the same back and recommend that it do not pass.

JOHN H. SMITH,  
Chairman.

On motion of Mr. Smith, the further consideration of S. B. No. 98 was indefinitely postponed.

Mr. Burnett asked and obtained leave of absence for Mr. Palmer for the remainder of the day on account of sickness,

Mr. Davis submitted the following report from the Committee on Commerce on S. J. M. No. 1, asking for a modification of the "Burlingame Treaty," so called :

REPORT :

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Commerce have had under consideration S. J. M. No. 1, and would recommend that it be adopted.

Respectfully submitted,

T. A. DAVIS,  
Chairman.

Mr. Burnett moved the adoption of S. J. M. No. 1.

Pending which, Mr. Watt moved to amend the memorial by striking out the words "by the reduction of wages to starvation prices" in third line.

Mr. Burch moved the previous question; which motion was withdrawn.

The motion to amend the joint memorial was also lost.

The question then recurring on the motion to adopt the joint memorial, a vote was taken and the motion prevailed.

Mr. Haley asked and obtained leave of absence until 2 o'clock p. m. on Monday.

Mr. Davis, from the Committee on Commerce, submitted the following report on S. J. M. No. 2, asking for the erection of a breakwater and harbor of refuge at Cape Foulweather.

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your Committee on Commerce have had under consideration S. J. M. No. 2, and would recommend that it be adopted. Respectfully submitted,

T. A. DAVIS,  
Chairman.

On motion of Mr. Burnett, the joint memorial was adopted.

Mr. Davis also submitted the following report from the Committee on Commerce, on H. B. No. 130, a bill for an act to authorize the construction of a bridge over the Willamette river, between the city of Portland and the city of East Portland, in Multnomah county, State of Oregon:

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—Your Committee on Commerce have had under consideration H. B. No. 130, and would report the same back with the following amendments:

First—In Section 1, between the words “within” and “years” strike out the word “six” and insert in lieu thereof the word “four.”

Second—In Section 2 strike out all after the word “Provided” and insert in lieu thereof the following: “That the County Court of Multnomah County is hereby authorized to fix, alter and establish the rates, from time to time, of toll to be charged by such Bridge Corporation.”

With the above amendments, your committee would recommend the bill be passed.

Respectfully submitted, T. A. DAVIS,  
Chairman.



On motion of Mr. Davis, the further consideration of H. B. No. 130, and the report of the committee thereon, was postponed until 2 o'clock P. M. on Monday next, and made the special order for that hour.

Mr. Thompson, chairman of the select committee, to whom was referred S. B. No. 117, a bill for an act to prevent the spreading of infectious and contagious diseases among sheep, by unanimous consent submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 11, 1878. }

*Mr. President*—Your special committee, to whom was referred S. B. No. 117, have had the same under consideration, and beg leave to report the same back, with the following amendments and recommend that the bill pass as amended:

First—In line 2 of Section 1, after the word "each," strike out the words "county in this State," and in lieu thereof insert the following: "Of the counties of Wasco, Lake, Grant, Union, Umatilla and Baker."

Second—In line 4, Section 1, strike out "State of Oregon" and insert in lieu thereof "County Court."

Third—Strike out after the word "sheep" in line 8, Section 1; to and including the word "year" in line 11.

Fourth—In line 20, Section 1, strike out "five" and insert the word "three."

Fifth—In line 23, Section 1, strike out the word "five" and insert "three."

Sixth—Insert between lines 1 and 2 the words "any of the counties enumerated in Section 1."

Seventh—In line 2, Section 2, strike out the words "this State."

Eighth—In line 4, Section 2, strike out the words "this State" and insert "said county."

Ninth—Strike out in line 6, Section 2, after the word "of" the words "his or their county," and insert "the county which he leaves or which leaves or which enters."

Tenth—Insert between lines 1 and 2, Section, 3 the words "included in the provisions of this bill."

Eleventh—Strike out in line 2, Section 3, the words "in this State."

Twelfth—Strike out all of Section 4.

Thirteenth—Strike out after the word "follows," line 1, Section 5, to and including the word "day" in line 2.

Fourteenth—Strike out all of Section 5 after the word "inspection," in line 4.

Fifteenth—Strike out all of Section 6.

Sixteenth—Strike out after the word "carriers," in lines 1 and 2, Section 11, the words "in this State."

Seventeenth—In line 2, Section 11, after the word "transit," insert "to any of the counties enumerated in this act." Respectfully submitted, S. G. THOMPSON,

Chairman.

Mr. Thompson moved to adopt the report; which motion prevailed.

Mr. Thompson moved that S. B. No. 117 be ordered engrossed, and to a third reading to-morrow; which motion prevailed.

On motion of Mr. Apperson, the Senate adjourned.

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MONDAY, OCT. 14, 1878.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and Messrs. Bentley, Burnett, George, Grim, Hirsch, Myers, Palmer and Thompson were absent, besides Messrs. Colvig, Haley and Ross, on leave—11.

So there was no quorum.

Shortly afterwards, Mr. Palmer appeared in his seat, and the President announced that there was a quorum present.

The journal of Saturday was read, corrected and approved.

Mr. Davidson asked leave of absence for Mr. Burnett for an indefinite period; there being no objection, the request was granted.

Mr. Brown, by unanimous consent, and without previous notice, introduced S. B. No. 137, a bill for an act to authorize the Board of Commissioners for the Sale of School Lands and the Management of the Common School Fund, to sell and convey lands acquired by the State from loan of the school and university funds and to conform to sales heretofore made, which was read a first time, and passed to a second reading without a question.

Mr. Brown moved that the rules be suspended and the bill be read a second time now; upon which question, the yeas and nays were:

Yeas—Messrs. Bilyeu, Brown, Burch, Cochran, Davidson, Green, Jasper, Pennington, Ross, Smith, Waldo and Mr. President—12.

Nays—Messrs. Apperson, Applegate, Bradshaw, Davis, Fulton, Haines, Lord, Palmer and Watt—9.

So the Senate refused to suspend the rules, and read the bill a second time now.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. B's No. 13 and 48 correctly enrolled.

Mr. Brown, Chairman of the Committee on Education, submitted the following report on S. B. No. 92, a bill for an

act to amend an act entitled an act to establish a uniform course of public instruction in the common schools of this State, approved Oct. 29, 1872:

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1872. }

*Mr. President*—We, your committee, to whom was referred S. B. No. 92, having had the same under consideration, beg leave to report the same, with the following amendments, and recommend its passage:

First—Insert after the enacting clause the words, Section 1. That Section 11 be amended to read as follows:

Sec. 11. The Sup't of Public Instruction shall, every four years after the first selection of text books, issue a similar circular to be regular circulars, and the County Superintendents shall make a selection in the same manner as in Section 10 ; and if any text book, or series of text books in any one branch, shall receive an actual majority of the votes of the County Superintendents, that shall be the authorized text book in that branch in the common schools of this State for the four years next succeeding the official announcement of the Superintendent of Public Instruction ; if no text book, or series of text books in any one branch, shall receive a majority of the votes of the County Superintendents, then the Superintendent of Public Instruction shall immediately report to the County Superintendents the two text books receiving the highest number of votes, and from them the Superintendents shall forthwith make a selection and transmit their votes to the Superintendent of Public Instruction, which votes shall be canvassed and the result announced as in Section 12 of this act; and the text book, or series of text books so selected, shall be the authorized text book as pro-

vided in this act; *Provided further*, That nothing in this act shall prevent the State Board of Education ordering the Superintendent of Public Instruction to issue special circulars to the County Superintendents to select in same manner as in the regular vote, any new text book or text books in in any branch as a substitute for any text books, or series of text books in use, when in the judgment of the State Board of Education any text book, or series of text books in use, is supplied at an unreasonable high price, or is found to be excelled by more recent publications in that branch, or for any good and sufficient cause.

Second—That Section 1 of said bill be amended by striking out the figure “1” after the word Section, and inserting the figure “2” in lieu thereof.

Third—Strike out the word “same” in Section 37 as amended, Subdivision 2, line 4 of printed bill.

Fourth—Strike out the words “as the State and County taxes are collected” in Subdivision 4 of Section 37 as amended, and insert in lieu thereof these words “provided by law.”

Respectfully submitted,                      A. G. BROWN,  
Chairman.

Mr. Palmer moved to adopt the first amendment; which motion prevailed.

Mr. Brown moved to adopt the second amendment; which motion prevailed.

Mr. Palmer moved that the third amendment be adopted; which motion prevailed.

Mr. Palmer moved to adopt the fourth amendment; which motion prevailed.

Mr. Brown moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Brown also submitted the following report on the pe-

tition of the people of Oregon, asking an investigation of the school fund.

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 10, 1878. }

*Mr. President*—Your Committee on Education, to whom was referred petition of the citizens of this State, would respectfully report the same back to the Senate with the recommendation that the same be referred to the Committee on H. C. R. No. 8 to investigate the transaction of the Board of School Land Commissioners.

A. G. BROWN,  
Chairman.

On motion of Mr. Brown, the report was adopted.

Mr. Green submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Sept. 10, 1878. }

*Mr. President*—Your Committee on Roads and Highways, to whom was referred S. B. No. 88, a bill for an act to provide for the clearing of creeks and other small streams from drift wood and other obstructions, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments:

First—At the close of Section 1, after the word “appointment,” add the following: “Notice shall then be given by posting notice, within ten days after said order is made, in three of the most public places in the district, and one at the Court House of the county, stating the fact of such formation of district, with the boundaries thereof. The cost of viewing, clerk’s fees, and all costs pertaining to formation of districts, shall be paid by the petitioners.

Second—At the close of Section 3, after the word “meeting,” add the following: The County Court shall appoint the day upon which the first election shall be held, and shall name the land owners of the district as inspectors of election, who shall determine the votes and the number of votes to be cast by each at said meeting; they shall canvass and determine the result of such election and the vote on all questions voted upon. The first and each subsequent annual meeting shall elect three owners of land in the district to act as inspectors of elections at the next subsequent annual meeting.

Third—Amend Section 10, line 3, printed bill, by striking out the word “one,” and inserting in lieu thereof the word “five.”

Fourth—At the close of Sec. 10, after the word “annum,” add “of the assessed value of the lands within the drainage district.”

And as thus amended, would respectfully recommend that the bill pass.

Respectfully submitted,                      DAN. L. GREEN,  
Chairman.

Mr. Watt moved the adoption of the first amendment; which motion prevailed.

Mr. Watt moved to adopt the second amendment; which motion prevailed.

On motion of Mr. Watt, the third amendment was adopted.

On the further motion of Mr. Watt, the fourth amendment was adopted.

Mr. Watt moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Bentley, Chairman of the Committee on Federal Relations, to whom was referred S. J. R. No. 15, providing for

an amendment to the Constitution, changing time of holding elections, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—Your Committee on Federal Relations, to whom was referred S. J. R. No. 15, have had the same under consideration, and have directed me to report the same back, recommending that it be indefinitely postponed.

L. BENTLEY,

Chairman.

Mr. Bentley moved to indefinitely postpone the resolution; which motion prevailed.

Mr. Cochran, Chairman of the Committee on Printing, to whom was referred S. B. No. 66, a bill for an act to define the duties and fix the compensation of the State Printer, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 9, 1878. }

*Mr. President*—The Committee on Printing, to whom was referred S. B. No. 66, have had the same under consideration, and herewith return said bill, and recommend the following amendments, viz:

First—In Section —, line 5, printed bill, strike out the word “one,” and insert “two.”

Second—Add to Section 3 the following: “And there shall be printed for the use of the two Houses of the Legislative Assembly, five hundred copies each of the Secretary’s and Treasurer’s reports, and three hundred copies each of the State officers’ reports; *Provided*, That the Secretary and



Treasurer shall furnish to the State Printer the copy of their reports up to August 1st by that date, and the State Printer shall have the reports of the Treasurer and Secretary ready for delivery during the first week of the session of the Legislative Assembly.

Third—Add to Section 5 the following: "Messages and reports of State officers, committees, and all documents printed for the two Houses, or either of them, if represented as appendix to the Journals or the Governor's message, or otherwise, shall be charged but one composition, and the sheets for the journals or message shall be printed when the order of the two houses are filled."

Fourth—Strike out in Section 7, line 9, the words, "or parts of page blank."

Fifth—Strike out in Section 8, line 2, the words "thirty-five" and insert the word "forty."

Sixth—Also strike out in Section 8, line 6, the word "eight" and insert the word "sixteen."

Seventh—Strike out in Section 11, line 4, the word "five" and insert the word "four."

Eight—Add to the bill another section, as follows:

Section 17. Inasmuch as the present law is unnecessarily expensive to the State, this act shall take effect and be in force from and after its approval by the Governor.

All of which is respectfully submitted,

R. B. COCHRAN,  
Chairman.

Mr. Cochran moved to adopt the first amendment; which motion prevailed.

On motion of Mr. Cochran, the second amendment was adopted.

On the further motion of Mr. Cochran, the third amendment was adopted.

On motion of Mr. Myers, the fourth amendment was adopted.

Mr. Cochran moved to adopt the fifth amendment; which motion prevailed.

Mr. Cochran further moved that the sixth amendment be adopted; which motion prevailed.

Mr. Cochran moved that the seventh amendment be adopted; which motion prevailed.

On the further motion of Mr. Cochran, the eighth amendment was adopted.

Mr. Cochran also moved that the bill be ordered engrossed and to a third reading to-morrow; which motion prevailed.

Mr. Jasper, Chairman of the Committee on Railroads, to whom was referred S. J. R. No. 2, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 4, 1878. }

*Mr. President*—Your Committee on Railroads, to whom was referred S. J. R. No. 2, have had the same under consideration, and beg leave to report the same back with the recommendation that the same be indefinitely postponed.

Respectfully submitted, M. JASPER,  
Chairman.

Mr. Haines moved to indefinitely postpone the resolution; which motion prevailed.

Mr. Jasper also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 11, 1878. }

*Mr. President*—The Committee on Railroads have had under consideration H. M. No. 3, and a majority of the

committee report the same back with amendments and recommend its passage.

M. JASPER,

S. D. HALEY,

Committee.

Mr. Smith moved to lay on the table and order printed; which motion prevailed.

Mr. Haines, chairman of the committee to whom was referred H. B. No. 129, a bill to provide for the completion of the capitol building, submitted the following

REPORT :

SENATE CHAMBER,

SALEM, Oct. 10, 1878. ]

*Mr. President*—Your Committee on Public Buildings, to whom was referred H. B. No. 129, have had the same under consideration, and hereby report the same back to the Senate with the following amendments :

First—Strike out of line 3 in Section 1 of bill, the words “sixteen,” and insert the words “twenty-five” instead thereof.

Second—Strike out of Section 2, line 2, the word “sixteen,” and insert the words “twenty-five” in lieu thereof.

Third—Amend the bill by adding the following Section to be numbered as Section 3:

Section 3. The Governor and Secretary of State are hereby authorized and directed to employ a janitor for the Capitol building, at a price of not exceeding \$900 per annum, whose duty shall be to take care of the building and furniture and other property belonging thereto, and to perform such other duties as they may prescribe. They are also hereby authorized to employ a watchman for said building, at a price not exceeding \$700 per annum, and in event circumstances should at any time require it, the Governor and Secretary are authorized to employ assistance for the

said janitor or watchman, or both, at an expense not exceeding \$200 in any one year.

Fourth — That Section 3 of the bill be designated in the margin as Section 4 of bill, and stand as Section 4 of bill, and as amended, recommend that the bill do pass.

I. D. HAINES,

Chairman.

Mr. Haines moved to adopt the first amendment; which motion prevailed.

On motion of Mr. Haines, the second amendment was adopted.

On the further motion of Mr. Haines, the third amendment was adopted.

• Mr. Haines also moved the adoption of the fourth amendment; which motion prevailed.

Mr. Haines moved that the rules be suspended, and the bill be read a third time now; upon which question, the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Waldo, Watt and Mr. President—23.

Nays—Mr. Smith—1.

Absent—Messrs. Burnett, Colvig (both on leave), George, Haley (on leave), Ross (on leave) and Thompson—6.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Smith, Waldo and Watt—23.

Nays—Mr. Ross and Mr. President—2.

So the bill passed.

Mr. Haines also submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 10, 1878. }

*Mr. President*—Your Committee on Public Buildings have had under consideration S. B. No. 49, a bill for an act to provide for the erection of a State Hospital for the Insane, and report the same back with the recommendation that the bill do not pass for:

1st. That the bill provides for raising revenue and should originate in the House of Representatives.

2d. No funds available to build the insane hospital.

3d. The commissioners provided for by the bill are unnecessary until tax is levied for building such hospital.

I. D. HAINES,  
Chairman Committee.

Mr. Haines moved to indefinitely postpone S. B. No. 49; which motion prevailed.

Mr. Haines also submitted the following report on S. B. No. 62, a bill to amend Section 16 of Title 3 of Chapter 57 of the Miscellaneous Laws of Oregon, relating to the assessments of property and the levy and collection of taxes, as compiled by Matthew P. Deady and Lafayette Lane.

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 1, 1878. }

*Mr. President*—Your committee, to whom was referred S. B. No. 62, have had the same under consideration, and re-

port the same back to the Senate without the recommendation.

I. D. HAINES,

Chairman.

Mr. Apperson moved that the bill be ordered engrossed and to a third reading to-morrow ; which motion prevailed.

Mr. Haines also, on S. B. No. 17, a bill to prescribe duties of County Assessors and to repeal Title 3 of Chapter 57, and to amend Section 38, 39 and 40 of Title 4 of said Chapter, of the Miscellaneous Laws of Oregon, as compiled by M. P. Deady and Lafayette Lane, submitted the following :

REPORT :

SENATE CHAMBER, }  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your committee, to whom was referred S. B. No. 17, have had the same under consideration, and report the same back without recommendation.

I. D. HAINES,

Chairman.

On motion of Mr. Haines, the bill was ordered to lie on the table.

Also, on H. B. No. 19, a bill for an act to more clearly define the duties of County Assessors, and to provide for the appointment of Deputy County Assessors, submitted the following

REPORT :

SENATE CHAMBER, }  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your committee, to whom was referred S. B. No. 19, have had the same under consideration, and report the same back without recommendation.

Also, certain amendments offered in committee by Senator Watt, and reported upon without recommendation.

I. D. HAINES,  
Chairman.

Mr. Haines moved to lay the bill on the table; which motion prevailed.

Also, on S. B. No. 57, a bill to provide for uniform and equal taxation in the several counties in this State, etc.

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your committee, to whom was referred S. B. No. 57, have had the same under consideration, and report the same back without recommendation.

I. D. HAINES,  
Chairman.

On motion of Mr. Haines, the bill was ordered to lie on the table.

Mr. Burch, from the committee to whom was referred S. B. No. 71, a bill for an act to prevent swine from running at large in certain counties in this State, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 5, 1878. }

*Mr. President*—Your committee to whom was referred S. B. No. 71, have had the same under consideration and herewith report the same back with the following amendments:

First—Insert after the word “amend,” in the title of the bill, the following: “Sections 1, 2 and 8 of.”

Second—Amend Section 1 by striking out the words “one

and two," after the word "Sections," and inserting in place thereof the words "one, two and eight."

Third—Strike out Section 3, and insert in place thereof the following :

Section 8. All moneys paid the County Treasurer under the provisions of this act, shall become a part of the common school fund of each of said counties respectively, of Benton, Clatsop, Curry, Linn county, south of the South Santiam river, Marion, Polk, Tillamook, Umatilla, Wasco, Washington and Yamhill, and shall be apportioned therein with other common school funds.

C. H. BURCH,

WM. WALDO,

Committee.

Mr. Burch moved to amend the first amendment, and the motion was ruled out of order on the ground that the title of the bill could not be amended at this stage of the bill.

On motion of Mr. Bentley, the second amendment was adopted.

On motion of Mr. Burch, the 3d amendment was adopted.

Mr. Burch further moved that the bill be ordered engrossed and read a third time to-morrow ; which motion prevailed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 12, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendment to H. B. No. 34, for an act to incorporate the town of Lebanon, Linn County, State of Oregon.

Also, to Senate amendments to H. B. No. 119, for an act providing for the payment of mileage and per diem of Representatives and other expenses.

W. L. WHITE,

Chief Clerk.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has reconsidered the adoption by the House of S. B. No. 119, providing for the payment of the mileage and *per diem* and other expenses of the Legislative Assembly, etc., and that the House recedes from said amendment and asks a committee of conference to adjust the matter of disagreement between the two Houses, and that Hons. Gates and Bradley have been designated as the committee on the part of the House.

Very respectfully,

W. L. WHITE,  
Chief Clerk.

The President appointed as committee on part of the Senate, Messrs. Cochran and Apperson.

## MESSAGE FROM THE HOUSE :

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 12, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendments to H. B. No. 58, for an act to be entitled an act to amend Sections 4 and 17 of Chapter 1 of the Code of Civil Procedure, relating to the time for the commencement of actions to recover possession of real property. The House also amended or corrected the former title of the bill as heretofore reported to the Senate as above. The bill has been returned to the Senate for enrollment. Very respectfully,

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed the following Senate Bills, 5, 7, 11, 12, 35 and 58, and the same are herewith returned to the Senate.

W. L. WHITE.  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. J. M. No. 3 and 5, and S. J. R. No. 3, and the same are herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. B's No. 5, 7, 11, 12, 35 and 58; also, S. J. M. No. 3 and 5 and S. J. R. No. 3.

On motion of Mr. Cochran, the Senate adjourned.

## AFTERNOON SESSION.

The Senate met at the usual hour for afternoon session, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Applegate, Burnett (on leave), Cochran, Colvig (on leave) and Thompson—5.

The President announced that he had signed S. B. No. 5, S. B. No. 7, S. B. No. 11, S. B. No. 12, S. B. No. 35, S. B. No. —, S. J. R. No. 3, S. J. M. No. 3, and S. J. M. No. 5.

H. B. No. 130, a bill for an act to authorize the construction of a bridge over the Willamette river, between the city of Portland and the city of East Portland, in Multnomah county, State of Oregon, having been made the special order for this hour, with the report of the Committee on Commerce thereon, Mr. Davis moved that the bill and report be taken up for consideration; which motion prevailed.

Mr. George moved that the amendments to the bill proposed by the committee be indefinitely postponed.

The President ruled the motion out of order.

Mr. Haines moved to adopt the first amendment.

Mr. George moved to indefinitely postpone the motion to adopt the amendment; upon which question, Messrs. George and Davis demanded the yeas and nays, and they were taken accordingly with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Brown, Fulton, George, Grim, Haley, Hirsch, Jasper, Lord, Palmer, Ross, Waldo and Watt—16.

Nays—Messrs. Bilyeu, Burch, Cochran, Davidson, Davis, Green, Haines, Myers, Pennington, Smith, Thompson and Mr. President—12.

Absent—Messrs. Burnett and Colvig (on leave)—2.

So the motion to adopt the first amendment was indefinitely postponed.

Mr. Davis moved the adoption of the second amendment.

Mr. George moved to indefinitely postpone the motion to adopt the amendment; upon which question, Messrs. George and Hirsch demanded the yeas and nays, and they were taken accordingly, with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Burch, Fulton, George, Grim, Hirsch, Lord, Palmer and Watt—12.

Nays—Messrs. Bilyeu, Brown, Cochran, Davidson, Davis, Green, Haines, Haley, Jasper, Myers, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—16.

Absent—Messrs. Burnett and Colvig (on leave)—2.

So the Senate refused to indefinitely postpone the motion to adopt the second amendment.

The question then recurring on the motion to adopt the amendment, Messrs. George and Hirsch demanded the yeas and nays thereon, and they were taken accordingly, with the following result :

Yeas—Messrs. Bilyeu, Brown, Cochran, Davidson, Davis, Green, Haines, Haley, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—17.

Nays—Messrs. Apperson, Applegate, Bentley, Bradshaw, Burch, Fulton, George, Grim, Hirsch, Palmer and Watt—11.

Absent—Messrs. Burnett and Colvig (on leave)—2.

So the amendment was adopted.

Mr. Smith moved further to amend the bill by striking out the word "Morrison" and inserting the word "Jefferson" in lieu thereof, in lines 22 and 23 of Section 1.

Mr. Palmer moved the previous question ; which motion prevailed.

The question then being on the amendment of Mr. Smith, Messrs. George and Hirsch demanded the yeas and nays thereon, and they were taken accordingly, with the following result :

Yeas—Messrs. Bradshaw, Burch, Haines, Smith and Mr. President—5.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Waldo and Watt—21.

Absent—Messrs. Burnett, Colvig, (both on leave), Haley and Thompson—4.

So the amendment was lost.

Mr. George moved that H. B. No. 130 as amended be read a third time now; which motion prevailed.

The bill was then read a third time, and the question being, "Shall the bill pass?" the yeas and nays thereon were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—27.

Nays—Mr. Smith—1.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the bill passed.

#### PROPOSITIONS AND MOTIONS.

Mr. Watt moved that when the Senate adjourn, it adjourn to meet at 7:30 o'clock this evening; which motion prevailed.

Mr. Palmer offered S. C. R. No. 19:

WHEREAS, H. N. Moseley, Esq., F. R. S., and Fellow of Exeter College, Oxford, has recently issued in London a valuable hand-book entitled "Oregon, Its Resources, Climate, People and Productions," containing in a compact, and yet highly entertaining form, a vast amount of information about this State; and

WHEREAS, The circulation of said book will probably bring hither from Europe, many who are desirous of seeking homes in a new land; therefore,

*Be it Resolved by the Legislative Assembly of the State of Oregon, both Houses thereof concurring:*

That the thanks of the State are due, and are hereby ten-

dered to the said H. N. Moseley, Esq., for the important service which he has rendered to our people by the publication of the work referred to; and

*Resolved, further,* That the Secretary of State be and he is hereby directed to transmit to Mr. Moseley a copy of these resolutions, duly certified under the great seal of the State.

Mr. Burch moved the adoption of the resolution; which motion prevailed.

By unanimous consent, the following messages from the House were received and read:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 78, for an act to amend Section 34 of Title 4 of Chapter 4 of the Miscellaneous Laws of Oregon, relating to annual meetings of school directors, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 78 was read a first time and passed to its second reading without a question.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 15, authorizing the District Attorney of the Third Judicial District to commence suits that may be necessary to recover any moneys which may have been unlawfully obtained from the State by State officers.

Also, that the House has passed H. B. No. 79, for an act to amend Sections 4, 5 and 7 of an act entitled "An act to provide for the collection of school district taxes," approved Oct. 26, 1876, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 15 was read.

Mr. Grim moved that the Senate concur therein; which motion prevailed.

H. B. No. 79, also accompanying the foregoing message, was read a first time.

Mr. Haines moved that the rules be suspended, and that the bill be read a second time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Bentley, Bilyeu, Bradshaw, Burch, Davidson, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—20.

Nays—Messrs. Apperson, Applegate, Brown, Cochran and Fulton—5.

Absent—Messrs. Burnett and Colvig (both on leave), Davis, George and Green—5.

So the rules were suspended, and the bill was read a second time.

Mr. Haines moved that the rules be further suspended, and that the bill be read a third time now; pending which, on motion of Mr. Myers, the bill was referred to the Committee on Education.

#### MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has passed H. B. No. 65, for an act to regulate the directors of school districts in the purchase of reference works and apparatus for the schools in their districts.

Also, H. B. No. 75, for an act to amend Section 37, Title 4 of Chapter 4 of the Miscellaneous Laws of Oregon, relating to common schools, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 65 was read a first time.

Mr. Haines moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Fulton, George, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Burnett (on leave), Colvig (on leave), Davis and Green—4.

So the rules were suspended, and the bill was read a second time by title.

Mr. Haines moved that the rules be further suspended and that the bill be read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, George, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—21.

Nays—Messrs. Davidson, Davis, Fulton, Ross and Watt—5.



Absent—Messrs. Burnett (on leave), Colvig (on leave), Green and Palmer—4.

So the rules were further suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—24.

Nays—Mr. Ross—1.

Absent—Messrs. Bradshaw, Burnett (on leave), Colvig (on leave), Green and Palmer—5.

So the bill passed.

H. B. No. 75 was read a first time and passed to its second reading.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed the following House bills: H. B. No. 97, for an act for the support of the State University. H. B. No. 52, for an act to amend Subdivision 4, Section 25, Title 3, Chapter 4, of the Miscellaneous Laws of Oregon, in relation to apportionment of the school funds by the County School Superintendents, and the same are herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 97, was read a first time.

Mr. Brown moved that the rules be suspended and that the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Brown, Cochran, Davidson, George, Grim, Haines, Haley, Hirsch, Jasper, Lord, Pennington, Thompson, Waldo and Mr. President—14.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Burch, Davis, Fulton, Myers, Ross, Smith and Watt—12.

Absent—Messrs. Burnett (on leave), Colvig (on leave), Green and Palmer—4.

So the Senate refused to suspend the rules and read the bill a second time by title now.

H. B. No. 52, also accompanying the foregoing message, was read a first time and passed to its second reading without a question.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 16, calling a joint convention on Wednesday, Oct. 16, 1878, to elect Pilot Commissioners, Register of La Grande Land Office, and Librarian, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. C. R. No. 16 was read.

Mr. Haines moved that the Senate concur therein; pending which, Mr. Apperson moved that the resolution be referred to a select committee of three; which motion prevailed.

On motion of Mr. Ross, the Senate adjourned.

## EVENING SESSION.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Burch, Burnett (on leave), Colvig (on leave)—3.

The President appointed as the Select Committee, to whom H. C. R. No. 16 was ordered to be referred just before the adjournment this afternoon, Messrs. Bradshaw, Davidson and Applegate.

Mr. Myers, from the Committee on Engrossed Bills, reported S. B. No. 27 correctly engrossed.

By unanimous consent, Mr. Cochran submitted the following report from the Committee of Conference on H. B. No. 119, providing for the payment of expenses, per diem and mileage of the Legislative Assembly.

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 14, 1878. }

*Mr. President*—We, your Committee of Conference, appointed to confer with a like committee of the House in relation to an amendment to H. B. No. 119, have had the same under consideration, and have agreed that the Senate recede from its first amendment to said bill.

R. B. COCHRAN,  
J. T. APPERSON,

On part of the Senate.

Mr. Cochran moved that the Senate recede from its first amendment to H. B. No. 119, as recommended by the committee; which motion prevailed.

## PROPOSITIONS AND MOTIONS.

Mr. Myers moved that the Senate now take up S. B. No.

27, a bill for an act to provide for the election of Supreme and Circuit Judges in distinct classes; which motion prevailed.

The bill was then read a third time, and the question being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Bradshaw, Brown, Burch, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson and Mr. President—22.

Nays—Messrs. Applegate, Cochran, Davis, Smith, Waldo and Watt—6.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the bill passed, and the title was agreed to.

Mr. Watt moved that S. B. No. 111, a bill for an act to amend Section 3 of an act entitled "an act for the further organization of the Agricultural College, and to provide for the support of the same," approved Oct. 15, 1872, it being Section 21 of Title 2, Chapter 60 of the Miscellaneous Laws of Oregon, be now taken up for consideration; which motion prevailed.

S. B. No. 111 was then read a second time.

Mr. Watt moved to amend Section 3, line 2, by striking out the words "two thousand;" which motion prevailed.

Mr. Watt moved further to amend said Section 3 by inserting in line 2, after the word "dollars," the following: "Also the interest hereafter annually accruing on the fund arising from the sale of the Agricultural College lands;" which motion prevailed.

Mr. Watt moved further to amend said section by adding the following thereto: "*Provided*, The five hundred dollars annually appropriated by this section out of the general

fund, shall cease on and after two years from the passage of this act," which motion prevailed.

Mr. George moved that the bill be further amended by adding the following section thereto:

"Section 4. All acts or parts of acts, so far as they conflict with this act, are hereby repealed." Which motion prevailed.

Mr. Watt moved that the rules be suspended, and the bill considered engrossed and read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Bentley, Bradshaw, Burch, Cochran, Davidson, Davis, George, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Ross, Smith, Thompson, Waldo and Watt—19.

Nays—Messrs. Apperson, Applegate, Bilyeu, Brown, Fulton, Green, Hirsch, Pennington and Mr. President—9.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Bentley, Bradshaw, Burch, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—Messrs. Apperson, Applegate, Bilyeu, Brown and Fulton—5.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the bill passed and the title was agreed to.

Mr. Fulton moved that S. B. No. 128, a bill for an act to amend Section 1 of an act entitled "an act to regulate the salaries of County Treasurers in the State of Oregon," be now taken up for consideration; which motion prevailed.

S. B. No. 128 was read a second time.

Mr. Fulton moved to amend Section 1 by striking out the words "one hundred and fifty" in line 6, and inserting "four hundred" in lieu thereof; which motion prevailed.

On motion of Mr. Thompson, the bill was further amended by striking out the word "three" after the words "Wasco County" and inserting in lieu thereof the word "seven."

On motion of Mr. Watt, the bill was further amended by striking out the word "three" in line 23, printed bill, and inserting the word "four" instead thereof.

Mr. Thompson moved that the bill be further amended by adding to Section 1 the following: "Lake County, one hundred dollars;" which motion prevailed.

Mr. Fulton moved that the rules be suspended and that the bill be considered engrossed, and read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the rules were suspended, and the bill was considered engrossed and read a third time.

The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the bill passed, and the title was agreed to.

Mr. George moved that the Committee on Ways and Means be required to compute and report to this Senate for information, the amount of outstanding interest against this State, and the various State funds at the date of the convening of this Legislature, whether the interest was due or otherwise at said date, and that the said committee, if they deem it necessary, shall employ an expert to so compute the same; which motion prevailed.

Mr. Watt offered S. J. R. No. 6:

WHEREAS, As appears from the report of the late Secretary of State, several counties within the State have failed to pay over certain balances due the State on account of State taxes; now, therefore, be it

*Resolved by the Senate, the House concurring:*

That the Governor and Secretary of State be and they are hereby instructed to adjust the said balances with the counties aforesaid, and secure the payment of the various amounts found due, and to take or institute such legal proceedings for the collection thereof as may be necessary in the premises.

Mr. Watt moved the adoption of the resolution; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, George, Grim, Haines, Hirsch, Lord, Myers, Palmer, Ross, Thompson, Waldo and Watt—20.

Nays—Messrs. Bilyeu, Fulton, Green, Haley, Jasper, Pennington, Smith and Mr. President—8.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the joint resolution was adopted.

Mr. Myers, from the Committee on Engrossed Bills, reported S. B. No. 54, S. B. No. 62, S. B. No. 93, S. B. No. 96, S. B. No. 100, S. B. No. 102, S. B. No. 103 and S. B. No. 117 correctly engrossed.

Mr. Burch moved that S. B. No. 112, a bill for an act to regulate the salaries of County Judges in the State of Oregon, be now taken up for consideration; which motion prevailed.

S. B. No. 112 was read a second time.

Mr. Davidson moved to amend the bill by striking out the word "six," after the words "Grant county," and inserting in lieu thereof, the word "eight"; which motion prevailed.

Mr. Thompson moved that the bill be further amended by striking out the word "five" after the words "Wasco County" and inserting in lieu thereof the word "seven"; which motion prevailed.

Mr. Burch moved that the rules be suspended, and the bill considered engrossed and read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thomyson, Waldo, and Mr. President—26.

Nays—Mr. Watt—1.

Absent—Messrs. Apperson, Burnett (on leave) and Colvig (on leave)—3.

So the rules were suspended, and the bill was considered engrossed and read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw,



Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—24.

Nays—Messrs. Palmer and Watt—2.

Absent—Messrs. Apperson, Burnett and Colvig (on leave), and Ross—4.

So the bill passed, and the title was agreed to.

Mr. Lord offered S. C. R. No. 20 :

*Resolved by the Senate the House concurring:*

That the joint committee heretofore appointed under H. C. R. No. 7 to examine into the condition and needs of the Oregon Institute for the Blind, be and they are hereby instructed to inquire by what authority Syl. C. Simpson drew certain moneys from the Treasury as Superintendent of said Institute, and also as to the compensation allowed to other persons employed therein, and as to the expediency of continuing said institution, and that they be required to report their conclusions to the two Houses before the final adjournment.

On motion of Mr. Lord, the resolution was adopted.

Mr. Bradshaw, by unanimous consent, submitted the following report from the select committee to whom was referred H. C. R. No. 16, providing for a joint convention of the two houses on Wednesday, Oct. 16 :

REPORT :

SENATE CHAMBER,  
SALEM, Oct. 14, 1878. }

*Mr. President*—Your Select Committee, to whom was referred H. C. R. No. 16, report the following amendments to the resolution :

1. Strike out of the resolution the words "12 o'clock M.," and insert "2 o'clock P. M."

2. Amend by adding to the resolution the following :  
“and such other officers as are required by law to be elected  
by the Legislative Assembly.”

And with these amendments, recommend the adoption of  
the resolution.

E. C. BRADSHAW,

Chairman.

On motion of Mr. Bradshaw, the report was adopted.

On the further motion of Mr. Bradshaw, the resolution as  
amended was concurred in.

Mr. Myers moved to take up S. B. No. 93, a bill for an  
act for the relief of W. W. Buck; which motion prevailed.

S. B. No. 93 was read a third time. The question then  
being, “Shall this bill pass?” the yeas and nays were as  
follows :

Yeas — Messrs. Apperson, Applegate, Bilyeu, Brown,  
Cochran, Davidson, Fulton, George, Green, Grim, Haines,  
Hirsch, Jasper, Lord, Myers, Pennington, Smith and  
Waldo—18.

Nays—Messrs. Bentley, Bradshaw, Burch, Davis, Ross,  
Watt and Mr. President—7.

Absent—Messrs. Burnett, Colvig (both on leave), Haley,  
Palmer and Thompson—5.

So the bill passed, and the title of the bill was ordered to  
stand as the title of the act.

Mr. Apperson offered S. C. R. No. 21 :

*Resolved by the Senate the House concurring :*

That the two Houses adjourn *sine die* on Friday, October  
18, 1878, at 10 o'clock P. M.

Mr. Haines moved to lay the resolution on the table; which  
motion prevailed.

Mr. Haines offered S. J. M. No. 7, to Congress, to provide  
a commission to audit war claims for property destroyed in

the Oregon Indian war of 1878, and to provide for the payment of claims allowed.

*To the Senate and House of Representatives in Congress Assembled:*

Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully represent that large amounts of property of citizens of Oregon and Idaho Territory was destroyed in the Indian war of 1878, the most of which was destroyed by territory Indians, who were engaged in hostilities against the white settlers; therefore, your memorialists request, and equity and justice demands, that at an early day a commission be appointed by the President of the United States to audit and allow said claims for property so destroyed, with power to take testimony, hear and determine same; and that an appropriation be made for expense of such commission; and your memorialists will ever pray.

On motion of Mr. Haines, the resolution was adopted.

Mr. Haines offered S. J. R. No. 7:

*Resolved by the Senate, the House concurring:*

That the Secretary of State be and he is hereby authorized to audit and allow the expenses and *per diem* of the several committees heretofore appointed by the Legislative Assembly, at its present session, to visit the several public institutions of the State, and also committee clerks employed, including mileage, at the rate allowed by law to a member of the Legislative Assembly, and to draw warrants on the State Treasurer in favor of the persons performing the service as aforesaid.

Mr. Haines moved to adopt the resolution; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu,

Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson and Waldo—25.

Nays—Messrs. Watt and Mr. President—2.

Absent—Messrs. Burnett (on leave), Colvig (on leave), and Haley—3.

So the resolution was adopted.

Mr. Myers moved to take up S. B. No. 108, a bill to prohibit the involuntary immigration of Chinamen, and persons belonging to the Mongolian race, and prevent such persons from remaining in the State who have been brought or have come to it for other purposes than that of curiosity of trade and as permanent citizens; which motion prevailed.

S. B. No. 108 was read a second time.

Mr. Haines moved to refer to Committee on Commerce; which motion was lost.

Mr. Myers moved that the bill be considered engrossed and read a third time now; pending which, Mr. Apperson moved to amend by striking out all after Section 1; which motion prevailed.

The vote was then had on the suspending of the rules, and the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—Messrs. Applegate, Davis, Fulton and Haines—4.

Absent—Messrs. Burnett, Colvig (on leave) and George—3.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu,

Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—24.

• Nays—Mr. Fulton—1.

Absent—Messrs. Burnett, Colvig (on leave), George, Haines and Palmer—5.

So the bill passed.

Mr. Myers moved to strike out all after the words "State of Oregon," in the title; which motion prevailed.

The title as amended was agreed to.

Mr. Bradshaw offered S. J. M. No. 8:

*To the Honorable Senate and House of Representatives of the United States in Congress Assembled:*

Your memorialists, the Legislative Assembly of the State of Oregon, would most respectfully petition your honorable body to grant the extension of time asked by the Northern Pacific Railroad Company in which to complete its road, imposing such conditions as will amply secure the rights of settlers upon the lands included within the grant, the early completion of the road on the south side of the Columbia river and the construction of portage roads at the Dalles and Cascades within a reasonably short period, and your petitioners will ever pray.

Mr. Bradshaw moved to adopt; pending which, on motion of Mr. Haines, the memorial was referred to the Committee on Railroads.

On motion of Mr. Myers, the Senate adjourned.

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TUESDAY, OCT. 15, 1878.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and the following named members were absent: Messrs. Applegate, Burnett (on leave), Colvig (on leave), Fulton, Palmer and Pennington—6.

The Clerk commenced to read the Journal of yesterday, when Mr. Bradshaw moved that further reading of the Journal be dispensed with; upon which question, the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Haines, Haley, Jasper, Lord, Myers, Palmer, Ross and Thompson—16.

Nays—Messrs. Davis, George, Grim, Hirsch, Smith, Waldo, Watt and Mr. President—8.

Absent—Messrs. Apperson, Applegate, Burnett (on leave), Colvig (on leave), Fulton and Pennington—6.

Mr. George moved to take up S. B. No. 117; which motion prevailed.

S. B. No. 117, a bill for an act to prevent the spreading of infectious and contagious diseases among sheep, was read a third time. The question then being, "Shall this bill pass?" upon which question the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt, and Mr. President—27.

Nays—Mr. Applegate—1.

Absent—Messrs. Burnett and Colvig (both on leave)—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Haley, by unanimous consent, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 15, 1878. }

*Mr. President*—At an early day of the present session of the Legislative Assembly of the State of Oregon the undersigned was appointed on the part of the Senate with Messrs. Stratton and Galloway on the part of the House, a committee to examine into and report in relation to the State printing, to report whether or not there had been any money drawn in excess of law, and if so, how much, and for what particular purpose. I now ask leave to report the following:

Soon after our appointment as such committee, we met in the hall of the Capitol building and had a talk as to the mode of procedure but effected no organization. I occasionally met said Stratton and Galloway in the Capitol, and when the matter was referred to I was informed that the clerk and expert were at work, and that when they got through we could meet and make out our report. On Monday evening of last week, I met Mr. Galloway, who told me that they had agreed to meet that evening, and asked if I could attend said meeting; I told him I could; he inquired what time; I told him I would be here at 7 o'clock; he remarked, all right, we would meet at 7 o'clock; I was here on time, as per arrangement, and remained until near 9 o'clock, and neither Stratton or Galloway were found. The next day on meeting Mr. Galloway, the meeting being alluded to, he remarked that their place of meeting was in Stratton's office, somewhere down in town. I told him when I wanted to find a committee, I always looked to find it in the Capitol building, unless I was notified to the contrary. On the evening of Tuesday last, just before the Senate was called to order, Mr. Galloway informed me that they had changed their place of

meeting to the Library room, and were going to meet that evening. I informed him that I had not obtained leave of absence, and further, that there was important business before the Senate, that I could not think of leaving.

From the meeting alluded to above, I heard nothing of the action of said committee, until the afternoon of yesterday, when Mr. Galloway called me into the hall and informed me that they had completed their examination, and wished me to go with him to the Library and join them in their report. I informed him that I thought it impossible for me to make an examination sufficient to make a report, in a few minutes, when it had taken them weeks. He said he would like to have my name to the report, but I informed him I could not report on anything I knew nothing of.

Now, Mr. President, I have no means of knowing why the House members of said committee acted in the strange way they did; perhaps they can explain; I am sure I cannot. I do not wish to be understood as questioning the motives of the gentlemen alluded to, but have deemed it a duty to make the foregoing statement in justice to myself. And I now, Mr. President, would recommend that the whole matter be re-referred, not to the same committee, but to the Secretary of State, with power to employ competent printers as experts. All of which is respectfully submitted,

S. D. HALEY.

Mr. Myers, chairman of the Committee on Engrossed Bills, reported S. B. No. 62, 66, 71 and 88 correctly engrossed.

Mr. Watt moved to take up and consider S. B. No. 88; which motion prevailed.

S. B. No. 88, a bill for an act to provide for clearing creeks and other small streams from drift wood and other obstruc-



tions, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Davis, Fulton, George, Green, Haley, Hirsch, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Watt—21.

Nays—Messrs. Cochran, Grim, Haines, Jasper, Palmer and Mr. President—6.

Absent—Messrs. Burnett, Colvig (on leave) and Davidson—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Haines offered S. J. M. No. 9, for donation of unsurveyed mountain lands of Eastern Oregon to the State of Oregon in aid of railroad from Umatilla to Ogden:

*To the the Senate and House of Representatives in Congress assembled:*

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that

WHEREAS, There is a large area of mountain lands in the eastern part of Oregon that is unsurveyed and not settled or cultivated; and

WHEREAS, The United States will never realize therefrom a sum sufficient to pay the expense of surveying such lands; and

WHEREAS, The State of Oregon could survey and apply the said lands in aid of a railroad from tide-water on the Columbia to Ogden, the Western terminus of the Union Pacific Railroad, to the end that Oregon would be connected by rail with the R. R. system of the United States; and

WHEREAS, As if such lands were donated to Oregon for such purpose, the value thereof would be enhanced, and at

an early day would have a through route by rail to the East, and add great wealth and population to this hitherto remote and isolated State; and

WHEREAS, Aid has been granted to the Central and Union Pacific Railroad, and to the Northern Pacific Railroad, from which the States and Territories south of Oregon and the Territories and British Columbia, north of Oregon, have received great benefit; and

WHEREAS, It is reasonable and just that Oregon, the oldest American settlement, should not be entirely neglected, but should receive some aid from Congress for a through transportation route from the great Columbia to Ogden. Therefore, your memorialists request that an act be passed at an early day, donating such mountain lands known as the Blue Mountains, to the State of Oregon in aid of such railroad connection, such regulations as may be provided in such act of Congress and by the Legislative Assembly of Oregon thereunder; and your memorialists will ever pray.

Mr. Haines moved to adopt the memorial. Pending which, Mr. Bradshaw moved to refer to the Committee on Railroads; which motion was lost.

The question then recurring on the motion to adopt, it prevailed.

The following communication was read:

*To the Honorable Senate of the State of Oregon:*

I have the honor to inform you that I have approved and signed S. B. No. 105.

W. W. THAYER,

DATED, Oct. 14, 1878.

Governor of Oregon.

Mr. Fulton offered S. J. M. No. 10:

*To the Honorable Senate and House of Representatives of the United States of America:*

Your memorialists, the Legislative Assembly of the State

of Oregon, would respectfully represent that the grant of land and franchises made by your honorable body to the O. C. R. R. Co. in aid of a railroad and telegraph line from Astoria, Oregon, to Portland and McMinnville in the same State, has about expired; that said company have constructed and now have in successful operation about fifty miles of road on said route; that one portion, to-wit, from Astoria to Forest Grove, is not completed; that said portion would connect Willamette valley with the sea board at the mouth of the Columbia river, which place none of the railroads in Oregon now reach; that the Columbia river above Astoria is liable any winter to so freeze as to stop navigation, which would back up the whole commerce of the State as well as cut off all mails from sea; that said portions of route between Astoria and Forest Grove is about 70 miles in distance through a mountainous and timbered country, and difficult to penetrate; it is unsettled and wild on account of the expense of making roads through and into it; there is a fine valley in the midst, threaded by the Nehalem river, in which there are large quantities of good rich agricultural lands; lumber timbers, curly maple and coal are found in abundance. The building of a railroad through, only is needed to settle and develop this piece of country and bring it into market. The native treasures, so profusely stored there, unless this belt of land shall be traversed by a railroad, it may be ages before it will be opened to settlement or the government disposes of its lands there.

Your memorialists pray your Honorable body to extend the time of the grant heretofore made, and to provide if the said O. C. R. R. Company shall not begin the construction of said portions of the road within six months, then it shall be lawful and proper for any other company to build the

same and succeed to all the rights, grants and franchises of said O. C. R. R. Company to said portion of road.

Mr. George moved to take up and consider S. B. No. 135, a bill for an act to authorize the Governor to contract for the keeping of the insane and idiotic, and to amend Section 11 of an act entitled an act to provide for the care and keeping of the insane, approved Sept. 27, 1862; which motion prevailed.

S. B. No. 135 was read a second time.

On motion of Mr. George, the word "appropriate" was added at the end of Section 12.

Mr. Bilyeu offered the following amendments:

First—Amend said bill by striking out of the third line of the first section, "fourth," and insert in lieu thereof "first."

Second—Insert as Section 2, the following Section:

Section 2. That Section 3 of an act of the Legislative Assembly of the State of Oregon, entitled an act to provide for the safe keeping and treatment of insane and idiotic persons, approved September 27, 1872, the same being Section 4 of Chapter 26 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, be and the same is hereby amended so as to read as follows:

Section 3. The County Judge of any county in this State, upon application of any two householders of his county, in writing, under oath, setting forth that any person, by reason of insanity or idiocy, as the case may be, is suffering from neglect or exposure, or otherwise, or is unsafe to be at large, shall cause such person or persons to be brought before him at such time and place as he may direct; and said County Judge may also cause to appear at the same time and place, two or more competent physicians and the Prosecuting Attorney of his judicial district, or his

deputy, (or in the event of his absence or inability to attend,) some practicing attorney of the State, whose duty it shall be to represent the State and protect its interest, who shall proceed to examine the person or persons alleged to be insane or idiotic; and if the said physician after careful examination, shall certify upon oath that the said person or persons are insane or idiotic, as the case may be, and the County Judge shall find from the consideration of such certificate and the testimony that may be produced before him, that the said person or persons are insane or idiotic, then said Judge shall cause the said insane or idiotic person or persons to be conveyed to and placed in charge of the party or parties contracting to keep and care for the insane and idiotic of this State; *Provided*, That an appeal shall lie from the decision of the said County Judge in such cases in the same manner as is provided for appeal from the judgments of County Courts in other cases; which appeal may be taken either by the householder making such application, or by or on behalf of any person who shall be adjudged insane or idiotic, or the same may be taken by the State whenever in the judgment of the Prosecuting Attorney for the District the interest of the State require such appeal to be taken; *Provided, further*, that the County Judge shall make diligent inquiry;<sup>d</sup> and where an insane or idiotic person committed under the act shall be found to own any estate real or personal, said Judge shall immediately, without further petition or notice, appoint a guardian for the estate of such person, who shall execute his trust under the direction of said Court, make the same returns and give the same security as in case of a minor; and said estate shall be liable to the county for the cost of such committal, and to the State for the costs of conveying such in-

sane or idiotic person to the asylum, and keeping such person while there. In case there is a wife and child or children or other dependent on said estate for support, the County Judge shall first make proper allowance for their support out of said estate. A husband shall be liable to the county for the cost of committing his insane or idiotic wife to the asylum, and to the State for the cost of conveying her to the asylum and keeping her while there; and the parents of minor children committed as insane or idiotic, shall be in like manner liable to the county for the costs of such commitments, and to the State for the costs of conveying such insane or idiotic minor children to the asylum and of keeping them while there. The State shall hold a lien in the nature of a judgment against the estate of a husband for the cost of sending his wife to the asylum and keeping her there when committed as insane or idiotic, and against the estate of parents for the cost of sending their minor children to the asylum and keeping them there when committed as insane or idiotic. It shall be the duty of the Prosecuting Attorney for each Judicial District to cause to be appointed the guardian herein provided for all persons so adjudged to be insane or idiotic who are found to own estate, real or personal, sufficient to pay in whole or in part the expenses of the committal of such person to asylum and of keeping such person while there, and to collect from the estate of such person or persons, and from the husband of an insane or idiotic wife and from the parents of minor children so committed to the asylum, the costs of conveying such persons to the asylum and of keeping them while there, and to forthwith pay the same over to the Secretary of State, which amount shall be paid by the Secretary of State into the State Treasury.

Third—Amend by inserting the following in Section 3 of said act:

Section 3. That Section 1 of an act entitled an act to amend an act entitled an act to provide for the safe keeping of insane and idiotic persons, approved September 22, 1862, approved October 24, 1864, the same being Section 5, Chapter 26, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, be and the same is hereby amended so as to read as follows:

Section 5. The County Judge shall cause to be recorded in the records of the County Court the proceedings had upon such application, and the judgment of the court where the patient is adjudged insane. He shall make a warrant reciting his findings, the cause or causes of insanity, when the same can be ascertained, together with the name, age, nationality and present residence of the patient. The warrant shall be recorded in the records of the County Court, one copy of which shall be sent with the patient to the Superintendent of the asylum, another shall be sent to the Secretary of State and filed in his office. The person committed shall be conveyed to the asylum by any proper person or persons selected and designated by the County Judge. The expense of sending insane and idiotic persons committed to the asylum shall be paid by the State Treasurer, on the warrant of the Secretary of State, out of the funds appropriated for such purpose, but shall never exceed three dollars per day to the person appointed, and his actual, reasonable and necessary expenses, together with two dollars and a half per day for the necessary attendants, certified to by the Secretary of State, in coming to and returning from the asylum on the most usual and direct route, with the celerity of ordinary travel on those routes. Such physicians

shall receive five dollars each for each examination, and the Prosecuting Attorney or his deputy, or the attorney called by the court in case of their absence or inability to act, shall receive five dollars for such examination, and the Prosecuting Attorney shall for the other services required of him by this act receive like compensation as now provided by law for similar services; witnesses shall receive the same compensation as in civil cases; the costs of examination and committal shall be paid by the county in which the examination is made, to be repaid to the county as hereinafter provided, upon presentation to the Secretary of State of a certificate from the County Judge, showing that a person has been designated by him to convey an insane or idiotic person to the asylum, and of a certificate from the Superintendent of the asylum showing that such person has been conveyed to the asylum and received by the contractor or contractors, and an itemized account verified by the oath of the person so designated, to the effect that the same is just and correct, and that the number of days charged in said account has been necessarily consumed in conveying such person to the asylum, and that the expenses charged have been necessarily incurred. The Secretary of State shall audit said account according to the provisions of this act, and draw his warrant upon the Treasurer for the amount found due, and the Treasurer shall pay the same out of the fund appropriated for that purpose.

Fourth—Insert the following as Section 4:

Section 4. That Sections 14, 15, 16 and 17 of Chapter 26 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, be and the same are hereby repealed.

Fifth—Change the number of Section 2 to Section 3, and Section 3 to Section 5.



Sixth—Amend Section 2 of the bill by striking out "Title," in the third line, and inserting in lieu thereof "Chapter;" and further amend said Section by striking out "Chapter 27," in the third line.

Mr. Bilyeu moved to adopt the first amendment; which motion prevailed.

On motion of Mr. Bilyeu, the second amendment was adopted.

Mr. Bilyeu moved to adopt the third amendment; pending which, Mr. Myers moved to amend the amendment by striking out "four dollars" and inserting "three dollars."

The question then recurring on the motion to adopt the third amendment as amended, it prevailed.

On motion of Mr. Myers, the fourth amendment was adopted.

By unanimous consent of the Senate, the President directed the Clerk to make the fifth amendment.

On motion of Mr. Bilyeu, the sixth amendment was adopted.

Mr. Smith moved to strike out in Section 1 the word "four" in line 3 of Section 1, and insert the word "six;" and to add to Section 1 the following: *Provided*, that at the expiration of four years the State shall have provided a State Insane Asylum, then the contractor shall turn the patients under his charge over to the State; which motion prevailed.

Mr. Myers moved to amend Section 1 by striking out all after the word "dollar" in line 3, to and including the word currency; which motion prevailed.

Mr. Myers moved to amend by striking out, in Section 2, third line, "payable in gold coin"; which motion prevailed.

Mr. Myers moved to further amend by striking out "in

gold coin," in 4th line, Section 2; which motion prevailed.

Mr. Haines was called to the chair.

Mr. Watt offered the following amendment:

Add to the close of Section 1: "*Providing*, That in the contract authorized by this act the contractor shall be required one dormitory or sleeping room for each patient, and that not more than one patient shall be kept in any one sleeping room at the same time, except when the visiting physician shall certify there is a necessity for placing two persons in the same room for their own protection.

Mr. Watt moved to adopt the amendment; which motion prevailed.

Mr. Myers moved to amend by striking out of Section 2 after the word "appropriated" in 5th line of printed bill, to the end of the Section; which motion prevailed.

Mr. Watt moved to strike out of Section 1, in 3d line, printed bill, the word "five" and insert "four" in lieu thereof. Pending which, on motion of Mr. Waldor, the Senate adjourned.

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#### AFTERNOON SESSION.

The Senate met at the usual hour for afternoon session, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Applegate, Colvig (on leave), Fulton, Palmer, Ross and Thompson—6.

The Senate resumed the consideration of S. B. No. 135.

The President announced the question before the Senate to be on the motion of Mr. Watt, which was pending at the time of the adjournment, to amend Section 1 of the bill by striking out "five" and inserting "four" in lieu thereof.

A vote was taken thereon, and the amendment was lost.

Mr. George moved that S. B. No. 135 be ordered engrossed and read a third time to-morrow.

Mr. Myers moved to amend the motion so as to make the third reading of the bill the special order for 10 o'clock to-morrow morning.

Mr. George accepted the amendment, and the motion as amended prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the house has adopted the report of the Conference Committee in the matter of the disagreement of the two houses on H. B. No. 119, for an act providing for the payment of mileage and *per diem* of Representatives, and other expenses. Very respectfully.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 43, for an act to amend Section 87, Chapter 57, Miscellaneous Laws of Oregon, etc.

Also, H. B. No. 57, to provide for the filing of notice of the pending of actions affecting title to real property; and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 43, accompanying the foregoing message, was

read a first time and passed to its second reading without a question.

H. B. No. 57, accompanying the foregoing message, was also read a first time.

Mr. George moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bilyen, Bradshaw, Brown, Burch, Cochran, Davidson, Davis, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Smith, Thompson, Waldo and Mr. President—20.

Nays—Messrs. Bentley, Burnett, Fulton, Haines, Myers, Pennington, Ross and Watt—8.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. George, the bill was then ordered to a third reading to-morrow.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 59, for an act to cure defects in deeds heretofore made to real property that are defective in execution or acknowledgment, and to cure defects in judicial sales of real property and sales of lands by executors and administrators.

Also, H. B. No. 68, for an act to enable persons engaged in logging to procure a right of way, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 59, accompanying the foregoing message, was read a first time.

Mr. Waldo moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—25.

Nays—Messrs. Apperson, Haines and Thompson—3.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Waldo, it was then ordered to a third reading to-morrow.

H. B. No. 68, also accompanying the foregoing message, was read a first time.

Mr. Fulton moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. Apperson moved to amend Section 5 of the bill, line

3, by striking out the word "Treasurer" and inserting the word "Clerk" in lieu thereof.

Pending which, Mr. Apperson moved that the bill be referred to the Judiciary Committee; which motion was lost.

The question then recurring on Mr. Apperson's amendment, it was adopted.

Mr. Haines moved further to amend the bill by adding to Section 6 the words "and shall be a public highway;" which motion prevailed.

On motion of Mr. George, the bill was further amended by inserting in line 4, Section 1, printed bill, after the word "persons" the words "and the public."

And on the further motion of Mr. George, Section 4 was amended by inserting in line 6, printed bill, before the word "logging," the word "public."

Mr. Fulton moved that the rules be suspended and that the bill, as amended, be read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig (on leave)—1.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers,

Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Cochran (on leave), Colvig (on leave) and Haley—3.

So the bill passed.

Mr. Haines offered S. R. No. 21:

*Resolved*, That no Senator shall speak more than five minutes on any bill, resolution, proposition or motion, and shall speak but once thereon unless by unanimous consent.

On motion of Mr. Haines, the resolution was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has had under consideration S. B. No. 27, for an act to provide for the election of Supreme and Circuit Judges in distinct classes, and amended the same. The amendments are attached to the bill, and the same is herewith transmitted for the concurrence of the Senate in House amendments.

W. L. WHITE, •  
Chief Clerk.

1. Amend by adding at the end of Section 5 the following: "And no allowance for their services, either directly or indirectly."

2. Amend by adding to the end of Section 8 the following: "And no other allowance for their services, either directly or indirectly."

On motion of Mr. Haines, the first amendment was concurred in.

On motion of Mr. Apperson, the second amendment was concurred in.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 127, for an act to amend an act entitled "An act to provide a Board of Canal Commissioners for the canal and locks at the Willamete falls, and to otherwise regulate the passage of steamboats and other water crafts, etc." And the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 127, accompanying the foregoing message, was read a first time.

Mr. Myers moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. George moved that the following Section be added to the bill:

Section 7. As a saving of expense will be had by the enactment of this law, the same shall take effect and be in full force on its approval by the Governor; which amendment prevailed.



Mr. George moved that the rules be further suspended and that the bill be read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig (on leave)—1.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B's. No. 13 and 48, and they are herewith returned for your signature.

Also, that he has signed H. B. No. 24, H. B. No. 28, H. B. No. 70, H. B. No. 71 and H. B. No. 133, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the bills named in the foregoing message, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 16, for an act to amend Section 378 of Title 5 of Chapter 5 of the Civil Code, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 16 was read a first time.

Mr. George moved that the rules be suspended and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Cochran, Fulton, Green, Grim, Hirsch, Jasper, Pennington, Smith, Waldo, Watt and Mr. President—15.

Nays—Messrs. Bentley, Brown, Burch, Burnett, Davis, George, Haines, Haley, Myers and Thompson—10.

Absent—Messrs. Colvig (on leave), Davidson, Lord, Palmer and Ross—5.

So the Senate refused to suspend the rules in order to read the bill a second time by title.

When Mr. George's name was called he voted "yea," but before the result of the vote was announced he changed his vote to "nay," for the purpose of moving a reconsideration.

Mr. George moved to reconsider the vote by which the Senate refused to suspend the rules and read the bill a second time by title; upon which question, a vote was taken and the motion prevailed.

The question then recurring on the motion to suspend the rules and read H. B. No. 16 a second time by title, the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—Mr. Fulton—1.

Absent—Messrs. Colvig (on leave), Palmer and Ross—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. George moved that the rules be further suspended, and that H. B. No. 16 be read a third time now; upon which question, the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—Mr. Myers—1.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—Mr. Myers—1.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 76, a bill for an act entitled "An act to create the County of Lake, and for the salaries of County Judge and Treasurer," approved Oct. 24, 1874, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 76, accompanying the foregoing message, was read a first time.

Mr. Brown moved that the rules be suspended, and that the bill be read a second time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Fulton, Green, Grim, Haley, Lord, Thompson, Waldo and Watt—15.

Nays—Messrs. Burnett, Cochran, Davidson, Davis, Haines, Hirsch, Jasper, Myers, Pennington, Ross, Smith and Mr. President—12.

Absent—Messrs. Colvig (on leave), George and Palmer—3.

So the Senate refused to suspend the rules to read the bill a second time by title now.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 146, for an act to authorize and empower the County Commissioners of Benton

County to aid in building a free wagon road from Alsea Valley to the mouth of the Alsea river in said county.

Also, H. B. No. 35, for an act to provide for the expenses incurred in providing for and maintaining the Oregon exhibit at the Centennial Exposition held at Philadelphia, Pennsylvania, in the year 1876, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 146, accompanying the foregoing message, was read a first time.

Mr. Burnett moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Bradshaw, Colvig (on leave), Green and Palmer—4.

So the rules were suspended, and the bill was read a second time by title.

Mr. Burnett moved that the rules be further suspended and that the bill be read a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—Mr. Burch—1.

Absent—Messrs. Bradshaw and Colvig (on leave)—2.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—Messrs. Bradshaw and Burch—2.

Absent—Messrs. Colvig (on leave) and George—2.

So the bill passed.

H. B. No. 35, also accompanying the foregoing message, was read a first time.

Mr. Thompson moved that the rules be suspended, and that the bill be read a second time by title now ; upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Burch, Cochran, Fulton, George, Green, Grim, Hirsch, Jasper, Lord, Palmer, Smith, Thompson, Waldo and Mr. President—18.

Nays—Messrs. Bentley, Brown, Burnett, Davidson, Davis, Haines, Haley, Myers, Pennington, Ross and Watt—11.

Absent—Mr. Colvig (on leave)—1.

So the Senate refused to suspend the rules to read the bill a second time by title.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendments to

H. C. R. No. 16, calling a joint convention to elect Pilot Commissioners, Register of Lands of La Grande District, etc.

Very respectfully,      W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 103, a bill for an act for the relief of Lake county, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 103, accompanying the forgoing message, was read a first time.

Mr. Thompson moved that the rules be suspended and that the bill be read a second time by title now. Upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Brown, Burch, Davidson, Fulton, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Thompson, Watt and Mr. President—20.

Nays—Messrs. Bentley, Burnett, Cochran, Haines, Ross, Smith and Waldo—7.

Absent—Messrs. Colvig (on leave) Davis and George—3.

So the rules were suspended, and the bill was read a second time by title.

On motion of Mr. Thompson, the bill was then ordered to a third reading to-morrow.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has passed S. B. No. 9, with an amendment, which amendment is attached to the bill, and the same is herewith returned, and respectfully solicits the concurrence of the Senate in said amendment.

W. L. WHITE,  
Chief Clerk.

House amendment—Amend by adding the following section to the bill :

Section 15. Inasmuch as there is now no law which provides for the equal distribution of assets among creditors, and as there is urgent need of such a law, this act shall be in force and take effect from and after its approval by the President.

On motion of Mr. Hirsch, the amendment was concurred in.

MESSAGE FROM THE HOUSE:

1                   HOUSE OF REPRESENTATIVES, }  
                    SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 161, for an act to incorporate the town of Oakland, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Fulton moved that the rules be suspended, and that H. B. No. 161 be read a first time by title; upon which question, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Watt and Mr. President—23.

Nays—Mr. Waldo—1.



Absent—Messrs. Applegate, Bentley, Colvig (on leave), Davis, George and Palmer—6.

So the rules were suspended, and the bill was read a first time by title.

Mr. Applegate moved that the rules be further suspended and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Waldo, Watt and Mr. President—23.

Nays—None.

Absent—Messrs. Bilyeu, Colvig (on leave), Davis, George, Palmer, Smith and Thompson—7.

So the rules were further suspended, and the bill was read a second time by title.

Mr. Applegate moved that the rules be further suspended, and that the bill be read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Colvig (on leave), Davis, George, Palmer and Thompson—5.

So the rules were suspended, and H. B. No. 161 was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton,

Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Waldo, Watt and Mr. President—24.

Nays—None.

Absent—Messrs. Apperson, Colvig (on leave), George, Palmer, Smith and Thompson—6.

So the bill passed.

Mr. George asked and obtained unanimous consent to have S. B. No. 92 returned from the Committee on Engrossed Bills for the purpose of correcting an error therein.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 21, for an act to amend Sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act authorizing the erection of mill-dams, and for the support and regulation of mills," which took effect by operation of the Constitution, March 19, 1866, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No 21 was read a first time.

Mr. Fulton moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were as follows:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. Fulton moved that the rules be further suspended, and that the bill be read a third time now ; upon which question, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Watt—26.

Nays—Mr. Cochran and Mr. President—2.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo and Watt—26.

Nays—Mr. President—1.

Absent—Messrs. Colvig (on leave), Palmer and Ross—3.

So the bill passed.

S. B. No. 92 having been reported back from the Committee on Engrossed Bills, pursuant to the request of Mr. George, for correction, Mr. George asked and obtained unanimous consent to correct the bill in certain particulars.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform

you that the House has had under consideration Senate amendment to H. B. No. 127, and the House concurs in said amendment.

Also, that the House concurs in Senate amendments to H. B. No. 68. Very respectfully, W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 14, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 32, for an act to provide for pilotage and towage on the Columbia and Willamette rivers, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Apperson moved that the rules be suspended, and that H. B. No. 32 be read a first time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Davis, George, Green, Grim, Haley, Hirsch, Lord, Pennington, Thompson and Watt—17.

Nays—Messrs. Burnett, Cochran, Davidson, Fulton, Haines, Myers, Smith, Waldo and Mr. President—9.

Absent—Messrs. Colvig (on leave), Jasper, Palmer and Ross—4.

So the Senate refused to suspend the rules to read the bill a first time by title.

On motion of Mr. Davis, the Senate adjourned.

WEDNESDAY, OCT. 16, 1878.

The Senate was called to order by the President at the hour fixed by the rules.

The roll was called, and all the Senators were present except Messrs. Applegate, Colvig (on leave) and Thompson—3.

Prayer was offered by Rev. A. S. Coats, of Portland.

The President directed the Clerk to read the Journal of yesterday; the Clerk proceeded as directed by the President, when Mr. Haines moved to suspend rules and dispense with further reading of the Journal; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Waldo, Watt and Mr. President—24.

Nays—None.

Absent—Messrs. Applegate, Bilyeu, Colvig (on leave), Palmer, Smith and Thompson—6.

So the rules were suspended, and the further reading of the Journal was dispensed with.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. B's Nos. 9 and 27, correctly enrolled.

Mr. Watt moved to take up S. C. R. No. 21, relating to final adjournment of the two Houses; which motion prevailed.

Mr. Watt moved to adopt the resolution; which motion prevailed.

Mr. Bradshaw moved to take up H. B. No. 97; which motion prevailed.

H. B. No. 97, a bill to be entitled an act for the support of the State University, was read a second time.

Mr. Haines moved to strike out the two "whereas" in preamble of the bill before the enacting clause; which motion was lost.

Mr. Watt moved to amend by striking out of line two, Section 1, printed bill, the words "two thousand and;" which motion was lost.

Mr. Apperson moved to amend by inserting after the word "for" in line 2, Section 1, by adding the words "two years only;" which motion was lost.

Mr. Burnett moved to suspend the rules and read H. B. No. 97 a third time now; upon which question, the yeas and nays were taken, with the following result:

Yeas — Messrs. Apperson, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—27.

Nays—Mr. Watt—1.

Absent—Messrs. Applegate and Colvig (on leave)—2.

So the rules were suspended, and the bill was read a third time now. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—26.

Nays—Mr. Watt—1.

Absent—Messrs. Applegate, Bilyeu and Colvig (on leave)—3.

So the bill passed.

S. B. No. 125, a bill for an act to amend Section 39, Title 1, Chapter 50 of the Miscellaneous Laws of Oregon, was on

the table, having been made the special order for ten o'clock to-day.

Mr. Hirsch asked that the bill be read for information only, which request was granted.

The bill was then read, and Mr. Bilyeu moved that the bill be re-referred to Committee on Engrossments with instructions to correct certain errors made in engrossing the bill; which motion prevailed.

Mr. Bentley asked and obtained unanimous consent to take up S. B. No. 71, a bill for an act to prevent swine from running at large in certain counties in this State.

The bill was read a third time. The question then was, "Shall this bill pass?" upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Applegate, Bilyeu, Colvig (on leave), Palmer and Smith—5.

So the bill passed.

Mr. Burch moved that the title of the bill be amended by inserting Sections 1, 2 and 8 after word amend; which motion prevailed.

Mr. Bilyeu, Chairman of the Committee on Engrossed Bills, reported S. B's Nos. 92 and 135, correctly engrossed.

The President announced that he had signed S. B's Nos. 13 and 48, and H. B's Nos. 24, 28, 70, 71 and 133.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 53, also, H. B's Nos. 31, 34, 58, 65, 119 and 129, and the same is herewith transmitted for your signature.

W. L. WHITE,

Chief Clerk.

The President announced that he was about to sign S. B. No. 53, H. B's No. 31, 34, 58, 65, 119 and 129, and soon after announced that he had signed the same.

Mr. Myers offered S. J. R. No. 8:

WHEREAS, Title 3 of Chapter 1 of the Miscellaneous Laws of the State of Oregon provides that it shall be the duty of the Treasurer to permit the books, papers, and transactions of his office to be open at all times to the inspection of the Governor and other officers of the State, and on conditions of the funds, as therein specified, to require the Treasurer to give additional bonds; now, therefore,

*Be it Resolved by the Senate, the House concurring:*

That the Governor be and he is hereby authorized and requested to examine the books, papers and transactions of said office as often as once in three months, and that he publish in some newspaper of general circulation in this State, a clear and succinct statement of the funds, books, papers and transactions of the Treasurer's office.

Mr. Myers moved to adopt the resolution; upon which question, the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bradshaw, Burch, Burnett, Cochran, Davis, Haines, Jasper, Myers, Ross, Thompson and Mr. President—13.

Nays — Messrs. Apperson, Brown, Davidson, Fulton,



George, Green, Grim, Hirsch, Lord, Pennington, Smith, Waldo and Watt—13.

Excused from voting—Mr. Haley—1.

Absent—Messrs. Bilyeu, Colvig (on leave) and Palmer—3. .

So the Senate refused to adopt the resolution.

Mr. Smith offered S. C. R. No. 22.

*Resolved by the Senate the House concurring:*

That the matter of the investigation of the manner in which the State printing has been done since Sept. 1, 1876; and whether or not the same has been done in the manner provided by law; and what amount, if any, unauthorized and in excess of that allowed by law have been paid therefor; also, the cost of such printing; if fairly done according to the spirit and letter of the law providing for the duties and fixing the compensation of State Printer, be and the same is hereby referred to the Secretary of State, who is hereby authorized and required to call to his assistance two competent printers as experts, with whose assistance he shall make such examination as is provided for in this resolution, and report their findings to the Governor.

Mr. Smith moved to adopt resolution. Pending which, Mr. Watt moved to lay the resolution on the table; which motion was lost.

The question then recurring on the motion to adopt, it prevailed.

Mr. Hirsch moved to take up H. B. No. 22; which motion was lost.

Mr. Burch offered S. R. No. —:

*Resolved*, That the Committee on Judiciary be and they are hereby instructed and required to return to the Senate without delay, H. B. No. 50; but afterwards, by unanimous consent, withdrew the resolution.

Mr. Haines, from the Committee on Judiciary, submitted the following

## REPORT:

SENATE CHAMBER,  
SALEM, Oct. 15, 1878. }

*Mr. President*—Your committee, to whom was referred H. B. No. 50, a bill for an act to amend Title 1 of Chapter 31 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, and without recommendation.

Amend Section 10 by adding thereto the following: "*Provided*, That nothing herein contained shall be construed to apply to any incorporated city or town having a power to license, tax and regulate the sale of spirituous liquors.

Respectfully submitted,

I. D. HAINES,  
Chairman, *pro tem*.

Mr. Haines moved to amend by striking out the words "and fifty" in line two; which motion prevailed.

Mr. Burch moved to suspend the rules and read H. B. No. 50 a third time now; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Jasper, Lord, Myers, Palmer, Pennington, Ross, Watt and Mr. President—22.

Nays—Messrs. Haines, Haley, Hirsch, Thompson and Waldo—5.

Absent—Messrs. Bilyeu, Colvig (on leave) and Smith—3.

So the rules were suspended, and the bill was read a third time.

The question then was, "Shall this bill pass?" Upon which question, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bradshaw, Burch, Cochran, George, Grim, Jasper, Lord, Pennington, Ross, Waldo and Watt—14.

Nays—Messrs. Bilyeu, Brown, Burnett, Davidson, Davis, Fulton, Green, Haines, Hirsch, Myers, Palmer, Thompson and Mr. President—13.

Absent—Messrs. Colvig (on leave), Haley and Smith—3.

So the bill failed to pass.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 15, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 135, a bill for an act to be entitled an act providing for the selection, location and sale of State lands, and the management and disposition of the proceeds arising therefrom, and to repeal all of Chapter 29 of the Miscellaneous Laws of Oregon, except Title 3 of said Chapter, as compiled by Matthew P. Deady and Lafayette Lane; an act to amend an act entitled an act to provide for the sale of school lands, and the management of the common school fund, approved October 26, 1874; an act to amend an act entitled an act to provide for the sale of tide and overflowed lands on the sea shore and coast, approved October 26, 1874; an act requiring local agents of the Board of School Land Commissioners to give bonds for the security of public school funds in their hands, and requiring reports thereon, approved October 20, 1876; and an act to amend an act entitled an act to amend an act to provide for the sale of tide and overflowed lands on the sea

shore and coast, approved October 21, 1876, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Cochran moved that the rules be suspended, and that H. B. No. 135 be read a first time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Lord, Myers, Palmer, Pennington, Ross, Thompson, Watt and Mr. President—22.

Nays—Messrs. Hirsch, Jasper, Smith and Waldo—4.

Absent—Messrs. Colvig (on leave), Davis, Haines and Haley—4.

So the rules were suspended, and the bill was read a first time by title.

Mr. Apperson moved to further suspend the rules and read H. B. 135 a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Lord, Myers, Pennington, Thompson, Watt and Mr. President—20.

Nays—Messrs. Applegate, Bilyeu, Hirsch, Jasper, Palmer, Ross, Smith and Waldo—8.

Absent—Messrs. Colvig (on leave) and Haley—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. Haines moved to amend by striking out all of Section 18 after the word "warrants," but by unanimous consent withdrew the amendment.

Mr. Jasper moved to amend by striking out in line 10,

Section 3, the word "two" and insert "\$1.25;" which motion was lost.

On motion of Mr. Hirsch, the Senate adjourned.

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### AFTERNOON SESSION.

The Senate met at the hour fixed by the rules, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Apperson, Applegate, Colvig (on leave) and Palmer—4.

#### MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. B's Nos. 10, 37, 64 and 136, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. B's Nos. 36, 64 and 136, and soon after announced that he had signed the same.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House is now ready to receive the Senate in joint convention for the election of certain officers named under H. C. R. No. 16, as amended by the Senate October 14, 1878. Very respectfully,

W. L. WHITE,  
Chief Clerk.

Mr. Haines moved that the Senate do now repair to the Hall of Representatives to meet in joint convention ; which motion prevailed.

#### JOINT CONVENTION.

The joint convention was called to order by the President of the Senate.

The roll was called, and all the members were present except Messrs. Apperson and Colvig (on leave) of the Senate, and Messrs. Chenoweth, Dorris, Hamilton, Johnson and Webdell on part of the House.

The President announced the object of the convention to be first, the election of three Pilot Commissioners.

Mr. Smith nominated John Hobsen.

Mr. Davis nominated Thomas Robbertson.

Mr. Purdin nominated A. Van Dusen.

Mr. Cochran moved that the three Pilot Commissioners be all elected at the same time ; which motion prevailed.

Those voting for Mr. Hobsen were :

Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson, Mr. President, Broback, Beckley, Cole, Chandler, Curtis, Campbell, Caldwell, Everts, Forbes, Green, Grant, Gates, Galloway, Hughes, Hewitt, Hansard, Hendricks, Matthieu, Newman, Purdin, Rinehart, Reeves, Schröder, Stewart, Schooling, Starkweather, Smith, Stearns, Townsend, Wheeler, White, Wright and Mr. Speaker—59.

Those voting blank were :

Messrs. Acton, Burnett, Bewley, Bradley, Carter, Durham, Fountain, Fretland, Gilbert, Kahler, Kelly, Lord, Lee, Riley, Reed, Ramsby, Stratton, Scott, Schellburg, Thompson of

Multnomah, Tyson, Waldo, Watt, Will and Wintzengerode—25.

Absent—Colvig (on leave), Chenoweth, Dorris, Hamilton, Johnson and Webdell—6.

Those voting for Mr. T. Robertson were:

Messrs. Broback, Beckley, Cole, Chandler, Curtis, Campbell, Caldwell, Durham, Everts, Forbes, Green, Grant, Gates, Galloway, Hughes, Hewitt, Hansard, Hendricks, Matthieu, Newman, Purdin, Rinehart, Reeves, Schroeder, Stewart, Schooling, Starkweather, Smith, Stearns, Townsend, Wheeler, White, Wright, Wintzingerode, Mr. Speaker, Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson and Mr. President—61.

Those voting blank were:

Messrs. Acton, Burnett, Bewley, Bradley, Carter, Durham, Fretland, Gilbert, Kahler, Kelley, Lord, Lee, Riley, Reed, Ramsby, Stratton, Scott, Schelberg, Thompson of Multnomah, Tyson, Waldo, Watt and Will—23.

Absent—Messrs. Colvig (on leave), Chenoweth, Hamilton and Webdell—4.

Those voting for Mr. Van Dusen were:

Messrs. Broback, Beckley, Cole, Chandler, Curtis, Campbell, Caldwell, Everts, Forbes, Green, Grant, Gates, Galloway, Hughes, Hewitt, Hansard, Hendricks, Matthieu, Newman, Purdin, Rinehart, Reeves, Schroder, Stewart, Schooling, Starkweather, Smith, Stearns, Townsend, Wheeler, White, Wright, Wintzengerode, Mr. Speaker, Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Myers, Palmer, Pennington, Ross,

Smith, Thompson of Wasco and Lake, Mr. President—60.

Those voting blank were:

Messrs. Acton, Burnett, Bewley, Bradley, Carter, Durham, Fountain, Fretland, Gilbert, Kahler, Kelly, Lord, Lee, Riley, Reed, Ramsby, Stratton, Scott, Schelberg, Thompson of Multnomah, Tyson, Waldo, Watt and Will—24.

Absent—Messrs. Colvig (on leave), Chenoweth, Dorris, Hamilton, Johnson and Webdell—6.

So the President announced that Messrs. Hobson, Robertson and Van Dusen were duly elected Pilot Commissioners for two years.

The President then announced that nominations were in order for Lock and Canal Commissioner.

Mr. Myers nominated C. F. Beatie.

Mr. Starkweather nominated W. L. White.

Mr. Acton nominated G. Tibbetts.

Mr. White declined to have his name used for the office.

Those voting for Mr. Beatie were:

Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Grim, Haines, Haley, Jasper, Myers, Palmer, Pennington, Ross, Smith, Thompson, Mr. President, Bradley, Broback, Beckley, Chandler, Curtis, Campbell, Caldwell, Dorris, Everts, Fountain, Green, Grant, Gates, Galloway, Hughes, Hewitt, Hansard, Hendricks, Matthieu, Newman, Purdin, Rinehart, Reeves, Schroeder, Stewart, Schooling, Starkweather, Stratton, Smith, Townsend, Wheeler, White, Wright, Will and Mr. Speaker—58.

Those voting for Mr. White were: Mr. Forbes—1.

Those voting for Mr. Tibbetts were:

Messrs. Acton, Burnett, Bewley, Carter, Cole, Durham, Fulton, Fretland, George, Hirsch, Kahler, Kelly, Lord, Lee,



Riley, Reed, Ramsby, Scott, Schelberg, Thompson, Tyson and Waldo—22.

Those voting blank were:

Messrs. Gilbert, Stearns and Watt—3.

Absent—Messrs. Colvig, (on leave) Chenoweth, Hamilton, Johnson and Webdell—5.

Mr. Beatie having received a majority of all votes cast, was declared duly elected.

Nominations of State Lands for La Grande District being in order, Mr. Wright nominated Jos. Shinn

Those voting for Mr. Shinn were :

Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Broback, Beckley, Cochran, Chandler, Curtis, Campbell, Caldwell, Davidson, Davis, Dorris, Everts, Fountain, Green, Grim, Green of Benton, Grant, Gates, Galloway, Haines, Haley, Hirsch, Hughes, Hewitt, Hansard, Hendricks, Jasper, Lord, Myers, Matthieu, Newman, Palmer, Pennington, Purdin, Ross, Rineheart, Smith, Schroeder, Stewart, Schooling, Smith, Scott, Stearns, Thompson of Wasco and Lake, Townsend, Waldo, Wheeler, Wright, White, Mr. Speaker and Mr. President—57.

Those voting blank were:

Messrs. Apperson, Acton, Bennett, Bewley, Bradley, Carter, Cole, Durham, Fulton, Forbes, Fretland, George, Gilbert, Kahler, Kelly, Lee, Reeves, Riley, Reed, Ramsby, Starkweather, Stratton, Schelberg, Thompson of Multnomah, Tyson, Watt, Will and Wintzengerode—28.

Absent—Messrs. Colvig (on leave), Chenoweth, Hamilton, Johnson and Webdell—5.

Mr. Shinn, having received a majority of all votes cast, was declared elected.

Nominations for State Librarian being in order, Mr. Burch nominated X. N. Steeves.

Mr. Thompson of Multnomah, nominated Miss Nora Simpson.

Those voting for Mr. Steeves were:

Messrs. Bilyeu, Bradshaw, Brown, Burch, Burnett, Broback, Beckley, Cochran, Chandler, Curtis, Campbell, Caldwell, Davidson, Davis, Dorris, Everts, Green of Josephine, Green of Benton, Grant, Gates, Galloway, Haines, Haley, Hughes, Hewitt, Hansard, Hendricks, Jasper, Myers, Matthieu, Newman, Palmer, Pennington, Rinehart, Reeves, Smith, Schroeder, Stewart, Schooling, Thompson of Wasco, Townsend, Wheeler, White, Wright, Mr. Speaker and Mr. President—46.

Those voting for Miss Simpson were:

Messrs. Apperson, Applegate, Acton, Bentley, Bennett, Bradley, Carter, Cole, Fulton, Forbes, Fretland, George, Grim, Gilbert, Hirsch, Kahler, Kelley, Lord, Lee, Purdin, Ross, Riley, Reed, Ramsby, Starkweather, Stratton, Smith of Marion, Scott, Schelberg, Stearns, Thompson, of Multnomah, Tyson, Waldo, Watt, Will and Wintzengerode—36.

Those voting blank were:

Messrs. Bewley, Durham and Fountain—3.

Absent—Messrs. Colvig, (on leave), Chenoweth, Hamilton, Johnson and Webdell—5.

Mr. Steeves having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Hirsch, the joint convention dissolved.

#### IN THE SENATE.

After the joint convention, the Senate returned to the Senate Chamber, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Apperson and Colvig (absent on leave)—2.

Senate resumed the consideration of H. B. No. 135.

Mr. George moved to lay the bill on the table; which motion was lost.

Mr. Burnett moved to suspend the rules, and read H. B. No. 135 a third time now; pending which, Mr. George moved to amend Section 2 by inserting the following words after the word "situated," in line 5 of printed bill: "And one copy to the United States Surveyor General for this State;" which motion was lost.

Mr. Brown moved to amend by adding after the word "University," in line 5, Section 15, "swamp, tide and salt marsh;" which motion was lost.

Mr. Brown further moved to amend the bill by inserting in line 6, Section 15, "partly paid for;" which motion was lost.

Mr. Brown also moved to amend line 8, Section 15, printed bill, by inserting "or such part thereof as may have been paid;" which motion was also lost.

Mr. Hirsch moved to amend by adding to Section 35, "Provided that nothing in this act shall be so construed as to interfere with any legal rights which may have been acquired under existing laws;" which motion was lost.

Mr. Fulton moved to strike out of line "5" of Section "4," the words "three hundred and twenty acres," and insert in lieu thereof "six hundred and forty acres;" which motion was lost.

Mr. Ross moved to amend Section 10 by striking out the words "two dollars and fifty cents" after the second word "of" in line 4, and insert in lieu thereof the words "one dollar;" which motion was lost.

Mr. Ross offered the following amendment: Add to Section 9 the following: "But when such applicants have paid twenty per centum of the purchase price of such lands, they are hereby allowed ten days from the date of the certification of such lands to this State by the Secretary of the Interior within which to make final payment and proof of reclamation of the land upon which twenty per centum has been paid.

Mr. Ross moved to adopt the amendment; which motion was lost.

The question then recurring upon the motion to suspend rules and read H. B. No. 135 a third time now, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Lord, Myers, Palmer, Pennington, Thompson, Waldo, Watt and Mr. President—26.

Nays—Messrs. Jasper, Ross and Smith—3.

Absent—Mr. Colvig (on leave)—1.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Lord, Myers, Thompson, Watt and Mr. President—20.

Nays—Messrs. Applegate, Bilyeu, Hirsch, Jasper, Palmer, Pennington, Ross, Smith and Waldo—9.

Absent—Mr. Colvig (on leave)—1.

So the bill passed.

The President announced that he had signed S. B. No. 53, H. B's No. 31, 34, 58, 65, 119 and 129.

The President laid before the Senate a telegraphic dispatch from the Portland Board, relating to H. B. No. 32, which was read and no action taken thereon.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B's No. 9 and 27, and the same are herewith returned for your signature.

Very respectfully,

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. B's No. 9 and 27, and soon after announced that he had signed the same.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendments to H. B. No. 130, for an act to authorize the construction of a bridge on the Willamette river, etc.

Very respectfully,

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption of S. J.

M. No. 7, for commission to audit Indian spoliation claims, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 12, requesting the Governor to appoint a competent person or persons to correctly measure all the printing done for the State by M. V. Brown, late State Printer, from Sept. 1, 1874 to Sept. 1, 1876, etc. And the same is herewith transmitted for your consideration.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 12 accompanying the foregoing message, was read.

Mr. Smith moved to lay the resolution on the table.

Messrs. Watt, Cochran and Bradshaw demanded the yeas and nays.

The yeas and nays were as follows:

Yeas—Messrs. Bilyen, Brown, Haley, Hirsch, Jasper, Smith and Mr. President—7.

Nays—Messrs. Apperson, Bentley, Bradshaw, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Grim, Haines, Lord, Myers, Pennington, Waldo and Watt—17.

So the Senate refused to lay the resolution on the table.

Mr. Burnett moved to adopt H. J. R. No. 12; pending which, Mr. Haines moved to indefinitely postpone the resolution; pending which, Mr. Myers moved to refer to select committee of three; upon which question, Messrs. Apperson

and Watt demanded the yeas and nays. The yeas and nays were thereupon taken, with the following result :

Yeas—Messrs. Bilyeu, Brown, Davidson, Haines, Haley, Hirsch, Jasper, Myers, Palmer, Pennington, Smith and Mr. President—12.

Nays—Messrs. Apperson, Applegate, Bentley, Bradshaw, Burch, Burnett, Davis, Fulton, George, Green, Grim, Lord, Waldo and Watt—15.

So the motion was lost.

The question then recurring on the motion to adopt, the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Hirsch, Jasper, Lord, Myers, Palmer, Waldo and Watt—22.

Nays—Messrs. Haines, Haley, Pennington, Smith and Mr. President—5.

Absent—Messrs. Colvig (on leave), Ross and Thompson—3.

So the resolution was adopted.

COMMUNICATION FROM THE GOVERNOR.

STATE OF OREGON,  
EXECUTIVE OFFICE,  
SALEM, Oct. 16, 1878. }

*To the Honorable, the President of the Senate :*

I am directed by the Governor to inform you that he has approved and signed S. B. No. 12, an act to promote medical science.

S. B. No. 7, an act regulating salmon fisheries on the waters of the Columbia river and its tributaries.

S. B. No. 11, an act to create the office of Fish Commissioner for the Columbia river, to license the taking of salmon

in the Columbia river and its tributaries and to encourage the establishment of hatching houses on the waters of the Columbia river for the propagation of salmon.

S. B. No. 5, an act relating to and legalizing the elections of Justices of the Peace for the Precincts of Lafayette, Dayton, Amity, McMinnville and North Fork, in Yamhill County, Oregon.

S. B. No. 58, an act to amend Section 700 of Chapter 8 of Title 2 of the Criminal Code of the State of Oregon, as compiled by M. P. Deady and Lafayette Lane.

S. B. No. 35, an act to cede jurisdiction to United States over certain land condemned for use in the construction of a canal around the Cascades of the Columbia river, Oregon, and the same have been filed in the office of the Secretary of State.

O. F. PAXTON,  
Private Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 110, for an act to provide for the incorporation of cities, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Haines moved that when the Senate adjourn, it adjourn to meet at 7:30 this evening; which motion prevailed.

Mr. Davis moved to take up H. B. No. 32; upon which question, Messrs. Hirsch and George demanded the yeas and nays, and they were taken with the following result:

Yeas—Messrs. Apperson, Bentley, Brown, Cochran, Da-



vidson, Davis, George, Grim, Haley, Hirsch, Lord, Waldo, and Watt—13.

Nays—Messrs. Applegate, Bilyeu, Bradshaw, Burch, Burnett, Fulton, Green, Haines, Jasper, Myers, Palmer, Pennington, Smith and Mr. President—14.

Absent—Messrs. Colvig (on leave), Ross and Thompson—3.

So the Senate refused to take up H. B. No. 32.

Mr. Myers presented the following minority report from the Lock and Canal Commissioners.

#### MINORITY REPORT OF CANAL COMMISSIONERS:

The majority of the Commission in their second paragraph say, "we found the company refusing passage through the canal of more than a limited number of boats that did not belong to their line." The steamer Ohio and City of Salem was the only opposition boats running on the Willamette; the Ohio was making her regular trips through the locks. The steamers S. T. Church, McMinville and A. A. McCully (built since), have all been passed through the locks in the order in which they were presented.

They further say, "we also found that the company had instituted proceedings in the Circuit Court for Multnomah County, to procure a decree dissolving their corporation, so that they might dispose of the canal and locks as private property." \* \* \* "Finding matters in this condition we conceived it to be our duty to reverse this order of things if possible." It was not material to the Board of Canal and Locks Commissioners who owned the locks: See Section 9 of the Act 19th October, 1876, part of which Section says, "Willamette Falls Canal and Lock Company, or any party claiming under said corporation by virtue of assignment," etc. It was the locks and parties owning them that the

Commission had to deal with—the Commission was traveling outside of their duty to engage in litigation that properly belong to other parties. As to the item of Canal and Locks Company purchasing steamboats of the O. & C. R. R. and entering into arrangements or combination as to freight, the Commission had no agency in reducing the rates of freights; that was in the past. It was competition that brought about a reduction of freight of which the Board can claim no credit.

The majority report says: "The Canal and Locks Company were opposed to the commission and law creating them." They were opposed to the law, and desired to test its validity; they requested the Board, as soon as they were organized, to let them know what we expected them to do. As soon as we were organized, we requested them to co-operate with the Board in carrying out the laws in relation to the Locks, and referred them to Sections 5 and 12 of the law giving us our appointments. The company immediately instructed the clerks of their boats to furnish manifests, and continued to do so, until they invited a suit in a very kind and courteous letter, in which they stated that they had instructed their clerks not to furnish manifests; this was done in order that they might violate the law in that respect, and that we may aver that they had violated the law in every particular, and requested that the Board instruct their attorneys to confer with the attorneys of the company, and make an agreed case, to be submitted to the Court in Chambers or otherwise, in order to get an early decision, that the case may be appealed to the Supreme Court at the incoming session then near at hand.

The majority of the Board decided in favor of a mandamus suit. Thayer & Williams were employed by the Board and

instructed to bring a mandamus suit to compel the company to furnish manifests. The mandamus suit was sustained by the court below. The case, was, for some reason, tardy, and did not reach the Supreme Court until the succeeding term, February, 1878, the decision of the court below confirmed. During the pendency of this case, there was about eight hundred manifests due. I urged them to furnish back manifests. The agent finally agreed to furnish manifests if we would give him time to do it himself. I told him to furnish them as soon as he could.

The manifests were furnished, the Secretary of the Board acknowledged the receipt, and informed the President of Board, who called a meeting of the Board. At this meeting (a full Board) we found the manifests all complete in detail; and nothing said as to the suit as mentioned in the report of the majority of the Board.

Just before the convening of the court in Multnomah County, the agent of the company informed me that suit had been commenced to force the company to furnish the manifests that he had already furnished. Of course there was no cause of action, as the company had a receipt for the manifests.

The majority of the Board seems to place the responsibility of the large expense incurred by the Board to the company, for not pursuing "a well defined duty." Had the Board pursued "a well defined duty," and kept within the bounds prescribed by law, giving them their appointment, these large expenditures might have been avoided.

The Commissioners can not claim, that the reduced price of freight is owing to any exertions on their part; it was competition that brought about cheap transportation.

Respectfully submitted, .

B. JENNINGS.

Mr. Hirsch moved that the Senate adjourn; which motion prevailed.

### EVENING SESSION.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (on leave), Fulton and Palmer—3.

Mr. Bilyeu moved to take up S. B. No. 135; which motion prevailed.

S. B. No. 135, a bill for an act to authorize the Governor to contract for the keeping of the insane and idiotic, and to amend Sections 3 and 11 of an act entitled an act to provide for the safe keeping and treatment of insane and idiotic persons, approved September 27, 1862, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—26.

Nays—None.

Absent—Messrs. Colvig (on leave), Fulton, Palmer and Watt—4.

So the bill passed.

Mr. Bilyeu moved to amend the title of the bill as follows: "And Section 1 of an act entitled an act to amend an act entitled an act to provide for the safe keeping of insane and idiotic persons, approved September 27, 1862, approved October 22, 1864, the same being Sections 4, 5 and 12 of Chap-

ter 26 of the Miscellaneous Laws of Oregon, as compiled by M. P. Deady and Lafayette Lane, and to repeal Sections 14, 15, 16 and 17 of said Chapter 26 of said Miscellaneous Laws;" which motion prevailed, and the title as amended was agreed to.

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 172, for an act to amend an act entitled an act to incorporate Baker City, Baker county, Oregon, approved October 13, 1874, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 172, accompanying the foregoing message, was read a first time.

Mr. Haines moved to suspend the rules and read the bill a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Burch, Burnett, Davidson, Green, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo and Mr. President—17.

Nays—Messrs. Apperson, Applegate, Bradshaw, Brown, Cochran, Davis, George, Grim, Thompson and Watt—10.

Absent—Messrs. Colvig, (on leave), Fulton and Hirsch—3.  
So the Senate refused to suspend the rules.

Mr. George moved to take up H. B. No. 35; which motion was lost.

Mr. Jasper moved to take up H. B. No. 159; which motion was lost.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. J. M. No. 7 correctly enrolled.

Mr. Cochran moved to take up S. B. No. 66; which motion prevailed:

S. B. No. 66, a bill for an act to define the duties and fix the compensation of the State Printer, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig (on leave), George and Watt—3.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Apperson moved to take up S. B. No. 62; which motion prevailed.

S. B. No. 62, a bill to amend Section 16 of Title 3 of Chapter 57, of the Miscellaneous Laws of Oregon, relating to assessments of property and the levy and collection of taxes, as compiled by Matthew P. Deady and Lafayette Lane. The question then being, "Shall this bill pass?" upon which question the yeas and nays were as follows:

Yeas—Messrs. Apperson, Bradshaw, Brown, Burnett, Davidson, Fulton, Green, Grim, Haines, Jasper, Lord, Myers and Pennington—13.

Nays—Messrs. Applegate, Bentley, Bilyeu, Burch, Cochran, Davis, George, Haley, Hirsch, Palmer, Thompson, Waldo, Watt and Mr. President—15.

Absent—Messrs. Colvig (on leave), and Smith—2.

So the bill failed to pass.

Mr. Burnett moved to take from the table, S. B. No. 19; which motion was lost.

Mr. Burnett offered S. C. R. No. 23 :

*Resolved by the Senate, the House concurring :*

That joint rule number 11 be and the same is hereby suspended.

Mr. Burnett moved to adopt the resolution ; which motion was lost.

Mr. Burnett moved to take up S. B. No. 102; which motion was lost.

Mr. Thompson, by unanimous consent, submitted the following report from the joint committee appointed under H. C. R. No. 8, to investigate swamp land matters.

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 15, 1878. }

*To the Legislative Assembly of the State of Oregon :*

Your committee, appointed under H. J. R. No. 8, and resolution supplementary thereto, to investigate all matters pertaining to the segregation and sale of swamp and overflowed and other lands belonging to the State, beg leave to submit their report.

We began our labors with an examination of the books and files of the office, or such of them as were turned over to us, hoping to find in them an intelligible account of the affairs of the State Land Department. In this we have been wholly disappointed. For the manner in which the accounts have been kept, we cannot do better than to refer to the report of our Clerk, which accompanies this report. His statements are fully sustained by an examination of the books

themselves. The journal of the proceedings of the Board has been even worse kept; indeed, it cannot be fairly said to have been kept at all. The last record of any proceedings of the Board which has been completed and signed by the President, is dated August 11, 1874.

The only semblance of a record since that time consists of detached scraps of paper loosely held together by a rubber band. These papers contain what purport to be minutes of the proceedings since August 11, 1874. The memoranda are generally very brief, and sometimes unintelligible, so that it would be impossible for any one having no other knowledge of the transactions of the Board, to construct a complete record from them. The memoranda contain the only account of all the important business of the Board since said date, yet not one of them is officially signed.

During the whole period since the passage of the swamp land law, extravagant sums have been paid in this office for clerical services. Mr. Cann has received a salary as Clerk of the Board, of \$1,800 a year. During the first four years Mr. Fleischman was paid a like salary; for what service does not very clearly appear. He seems to have received large additional sums for incidental services. During the last four years, similar payments have been made to Mr. Hackleman for like service. Mr. Cann testifies that during the last four years Mr. Hackleman has received from the Board six thousand dollars, and it appears that all he did was to record some deeds; and the number exhibited as having been so recorded could all have been recorded by a competent man in thirty days. He does not seem to have performed any other service. It should be borne in mind that these men, Fleischman and Hackleman, during all these periods were drawing



other large sums from the State, as employes of the Treasury Department.

We find that in one instance Mr. Fleischman was allowed for 91 days service as corresponding clerk of the La Grande Land Office at \$5 a day, \$455. In another instance, for 90 days at like service, \$450. Mr. Hackleman seems to have been employed in like capacity. These are but examples of the general extravagance. From the report of the La Grande Land Office it appears that the cost of that office is about 33 per cent. of the receipts. Add such items as those mentioned above and the profits to the State will be found to be small indeed.

We find that on the 14th day of February, 1871, Jesse Applegate deposited in this office, as payment of the 20 per cent. on swamp land filings, \$1,850. In the report of the Board of Commissioners for 1876, it is stated that there had been returned to him \$1,548 52; but on examination of the files it is found that this money was not paid to Applegate, but to S. F. Chadwick, and we do not find on file any evidence that Mr. Chadwick was authorized by Mr. Applegate to receive it. Moreover, Mr. Chadwick's receipt is for \$1,850, instead of \$1,548 52.

We find that Amos N. King is reported as having paid on September 17, 1871, \$1,300. In the report of the Board for 1876, this money is said to have been returned to Mr. King, but we find no receipt to show that such sum or any sum has ever been returned to him.

It appears that on February 6, 1874, one I. J. Beal paid in \$216 on land. This money, instead of having been deposited with the Treasurer, seems to have been used by Mr. Chadwick, he giving the Board his note therefor, which we found among the papers. Since our labors began, he has

paid the amount of this note, without interest, into the Treasury, and taken up the note.

James Clark appeared before the committee as a witness, and testified that in May 1874 or 1875, he paid to T. H. Cann, in Secretary Chadwick's presence, \$240 for swamp land in Grant County, taking his receipt for the amount. On Mr. Clark's filing there is a memorandum of this payment, but there is no entry on Mr. Cann's books showing that such payment was ever made.

Among the expenditures of the Board, appear large sums for attorney fees. Mr. Laswell, who at the time was District Attorney, is allowed 10 per cent. for foreclosing a mortgage for a large sum, making the amount paid him \$226 66, while the law allows him but \$25. We find S. C. Simpson's bill for \$1024 84 for attorney fees in foreclosing mortgages against A. Myers and others. Mr. H. H. Gilfry also seems to have shared largely in dividends of this character. We find one instance where the Board has allowed an attorney fee of nearly 20 per cent. on the amount sued for. But the most culpable and reprehensible of all these allowances are those to Secretary Chadwick for attorney fees, of which we find several; notably one for \$200, for services relative to swamp land matters. The order making this allowance is signed by Governor Grover.

It is proper that something should be said, additional to our preliminary report relative to the receipt for the \$30,000 given to R. M. Walker. The time at our command has been necessarily limited, much of the testimony is difficult of access, and we are therefore unable, even at this time, to give as satisfactory and complete a report as the gravity of the subject demands. Of some facts, however, we can speak with reasonable certainty. A receipt or certificate was given

to R. M. Walker by T. H. Cann as Clerk of the Board of School Land Commissioners, showing that the 20 per cent. had been paid on 150,000 acres of land represented by filings of Walker or others who had assigned to him. On the same day, Secretary Chadwick gave a certificate under the seal of the State, to the effect that Cann was the Clerk of the Board, and as such, authorized to receive or receipt for money. These documents were worded in such a way as to lead those who saw them—good business men—to suppose that Walker himself had paid that sum, \$30,000. This is the obvious interpretation. It is claimed by Secretary Chadwick, in his testimony, that these receipts (he calls them “certificates”) must have been intended only to show that such a sum had been paid by the different swamp land claimants, whom Walker claimed to represent. He declined to speak with positiveness as to the contents of these receipts, however, saying that he had not a particular recollection of the matter. Admit, for the present, that these receipts will bear such a construction, and the case is scarcely improved. The testimony shows that the receipts are dated November 29, 1873; Mr. Cann’s books show that at that date the total amount paid in on swamp lands from every source, either in money or services, is only \$26,456 41. The items going to make up this sum were received from every quarter of the State, and range from a few dollars up to thousands, and were paid in by more than a hundred different persons. By much the greater part of this money—in the opinion of your committee, very nearly the whole of it—was paid by persons whom Walker did not, and did not claim to represent. It is extremely doubtful whether a single dollar was ever paid to the State on the Walker filings; thus, taking the most favorable construction that can be placed upon these papers, and

viewing them in the light of attendant facts, they present a transaction, which, in the opinion of your committee, is wholly without palliation or excuse. Whatever may have been the intention in making these papers, they did not correctly state the facts, and were admirably calculated to enable the person having them, if so disposed, to defraud any person dealing upon the faith of them.

Your committee have been unable to make complete examination of any sort of the State land matters, except swamp lands; but the manner of keeping the books and transacting the business has been such as to give opportunity for every kind of abuse.

Your committee desire to say in conclusion that our examination has been necessarily hasty and imperfect. We cannot but think that, at the best, great extravagance has been permitted in connection with all these land matters. But it is proper to add that upon a more full and thorough examination, facts might be developed which would palliate or perhaps entirely excuse many transactions which now appear censurable. We desire to do no injustice nor improperly to reflect upon any one. We speak only upon the facts before us, and give only such conclusions as those facts seem fully to warrant. In order that no injustice be done, your committee would recommend that measures be taken for a thorough and complete investigation, that all persons connected with these transactions have full opportunity to make such explanations as they may desire.

S. G. THOMPSON,  
JOHN E. ROSS,  
D. P. THOMPSON,  
J. L. WHITE.

Committee.

## REPORT OF CLERK.

SALEM, Oregon, Oct. 15, 1878.

*To the Honorable Joint Committee of the Tenth Legislative Assembly of Oregon, appointed under H. J. R. No. 8, to investigate all matters concerning the segregation and sale of Swamp and Overflowed lands:*

GENTLEMEN—By your direction, I have made such examination of the books and vouchers and other papers relating to swamp lands, as the limited time at my disposal permitted, and herewith submit the result. As the payments of money seem to have been made chiefly by Mr. Cann, Clerk, upon the order of the Board of Commissioners for the sale of school lands, I have summarized the result of my examination of the financial affairs in the form of an account between T. H. Cann and the Board, as follows, to-wit:

T. H. Cann in account with Board of School Land Commissioners, Dr.

To receipts per his cash book "A:"

Page 4.....	\$ 8,736 61
Page 6.....	4,526 39
Page 8.....	11,298 29
Page 10.....	1,151 35
Page 12.....	2,107 12
Page 14.....	1,429 36
Page 16.....	1,741 65

To receipts per book "B:"

Page 200.....	1,621 55
Page 202.....	10,655 68
Page 204.....	1,512 90
Page 206.....	4,117 16

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Page 208.....\$ 1,333 00

Total.....\$50,231 06

To this it seems probable should be  
 added amounts deposited as per page  
 20, book "A," as I cannot find that  
 he is elsewhere charged with them,  
 receipts for moneys returned consti-  
 tute part of his vouchers.....\$ 6,928 88

Total .....\$56,959 94

These charges are taken wholly from books "A" and "B,"  
 which purport to contain cash receipts, and are said by Mr.  
 Cann to contain a correct record of all cash received by him.  
 As vouchers, I find State Treasurer's receipts

amounting to.....\$20,668 85  
 Receipts for various other sums as..... 23,945 01

\$44,613 86

Making a difference of..... 12,346 08

Or, if the items on page 20 be of sums charged  
 elsewhere in his cash account..... 5,617 20

In addition to the above, there are quite a large number of  
 papers which Mr. Cann pointed out to me as vouchers, but  
 which, on examination, I find to be simply bills signed by  
 the persons who made them, and in some cases not even  
 signed, and containing no words implying that they have  
 been paid. I have credited Mr. Cann in the foregoing ac-  
 count with every paper exhibited to me or which I could find  
 which could reasonably be construed as being a receipt for  
 money.

While the figures given above are as accurate as I am able  
 to make, I would not be understood to say that they are a

correct statement of the account of the Swamp Land Commissioners. I do not think any correct account can be made up from the books. Books "A" and "B," which seem to have been the only account book kept, are full of erasures and interlineations. Some entries have pencil marks drawn across them, indicating an intention to erase, and are yet included in footings; while others, marked in the same manner, appear to be excluded. The footings given above include all entries which are not entirely obliterated. Some entries, as those on page 20, book "A," are made in such a manner that it cannot be determined from inspection whether they are intended to be taken as charges or mere memoranda.

The only way, as it seems to me, in which a correct statement of the accounts can be made, will be by depending upon the original papers and files of the office, and such other evidence of the payment of money into the office as may be obtainable. This will involve an extensive correspondence and the examination of a mass of papers, and will take much more time than the period between my appointment and the close of the session, and I have therefore not attempted it. Respectfully submitted,

J. A. STRATTON,  
Clerk.

Mr. Thompson moved to order 150 copies of the report printed; which motion prevailed.

Mr. Apperson, chairman of committee appointed under S. C. R. No. 6, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 15, 1878. }

*Mr. President*—The committee appointed under S. C. R. No. 6, would respectfully offer the following report:

That we have examined every receipt of money for the past two fiscal years, comparing its entry in the Treasurer's books with the stub remaining in the receipt book, and find the amounts correctly entered in the ledger and cash book.

That we have examined every warrant on which money has been paid out by the State Treasurer, and find the same duly entered on his books and correct in amount.

That we have had all the coupons redeemed by the Treasurer during the past two years counted and examined, and find that they are as entered in the Treasurer's books, and are properly cancelled.

That we have found all the notes given for loans from the various funds, correct as reported, and duly receipted for by the present Treasurer.

That the balances of the several funds reported on hand are correct, and have also been properly receipted for by the present Treasurer.

Your committee finds that the 10 per cent. appropriated out of the swamp land and tide land funds has not been fully transferred to the common school fund. A balance in favor of the school fund to the amount of \$555 63 was left untransferred September, 1874, and the total amount of \$759 is now due the school fund from the said swamp and tide land funds, which your committee recommends that the Treasurer be directed to transfer accordingly.

Your committee finds that the law under which the one mill tax for the completion of the Capitol building was disbursed, is somewhat vague, and your committee is divided in opinion as to the legality of the payment of \$2,195.61 and interest in excess of the amount of said one mill tax for two years; but believes that this disbursement was made by the Treasurer, in accordance with his understanding of the law,



and in pursuance of the joint resolution of both branches of the Legislature of the State, and saved the State House from great damage by the weather.

That we recommend the payment of James Walton, employed by this committee as clerk and accountant, for 31 days, at five dollars per day.

J. T. APPERSON,  
C. H. BURCH,  
JOHN H. SMITH,  
Senate Committee.

WM. GALLOWAY,  
LOYAL B. STEARNS,  
R. J. GRANT,  
House Committee.

Mr. Thompson, Chairman of the committee to whom was referred the claims growing out of the Indian war in Oregon in 1877 and 1878, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 15, 1878. }

*To the President of the Senate:*

The Joint Committee, to whom was referred the claims growing out of the Indian wars in Oregon in the years 1877 and 1878, beg leave to report that in their opinion the passage of Senate Bill No. 48, renders further examination or consideration of such claims by the committee unnecessary, and we have therefore turned over to the Secretary of State all papers relating thereto which have come into our possession. Respectfully submitted,

S. G. THOMPSON.  
Chairman Committee on part Senate.

Mr. Bradshaw moved that when the Senate adjourn, it adjourn to meet at 9 o'clock to-morrow; which motion prevailed.

Mr. Lord, by unanimous consent, introduced S. B. No. 138, a bill for an act to amend Section 539, Title 11, Chapter 11 of Criminal Code, relating to libel, which was read a first time and passed to its second reading without a question.

Mr. Waldo moved that the rules be suspended, and the bill be read a second time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave), and Haley—2.

So the rules were suspended, and the bill was read a second time.

Mr. Waldo moved that the rules be suspended, and the bill be considered engrossed and read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave), and George—2.

So the rules were suspended, and the bill was considered

engrossed and read a third time now. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and George—2.

So the bill passed, and the title of the bill was ordered to stand as the title of the act.

Mr. Brown moved to adjourn; which motion prevailed.

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#### THURSDAY, OCT. 17, 1878.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and the following named members were absent: Messrs. Applegate, Cochran, Colvig (on leave), Davidson, George.

Prayer was offered by Rev. Joseph Emery, of Corvallis.

The Clerk proceeded to read the Journal of yesterday.

Mr. Myers moved that the rules be suspended and further reading of the Journal be dispensed with. Upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Cochran, Colvig (on leave) and George—3.  
So the motion prevailed.

Mr. Haines moved to take up H. B. 172; which motion prevailed.

Mr. Haines moved that the rules be suspended and H. B. No. 172 be read a third time now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Green, Haines, Haley, Hirsch, Jasper, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—23.

Nays—None.

Absent—Messrs. Applegate, Colvig, (on leave), Fulton, George, Grim, Lord and Palmer—7.

So the rules were suspended, and H. B. No. 172, a bill for an act to incorporate Baker City in Baker County, Oregon, was read a third time now.

The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Smith—2.

Mr. Smith offered S. R. No. 23:

*Resolved*, That the Senate refuse to receive any more bills from the House, except appropriation bills, but by unanimous consent, afterwards withdrew the resolution.

Mr. Myers moved to take up H. B. No. 134; which motion prevailed.

H. B. No. 134, a bill for an act to repeal Sections 8, 9, 24 and 25, Chapter 1, Title 2, of Miscellaneous Laws, was read a second time.

Mr. Myers moved to suspend the rules, and read the bill a third time now; upon which question, the yeas and nays were as follows :

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Green, Grim, Haines, Haley, Jasper, Myers, Pennington, Thompson, Watt and Mr. President—19.

Nays—Messrs. Bentley, Fulton, George, Hirsch, Lord, Palmer, Ross, Smith and Waldo—9.

Absent—Messrs. Colvig (on leave) and Davidson—2.

So the rules were suspended, and the bill was read a third time now. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—22.

Nays—Messrs. Bentley, Fulton, George, Hirsch, Palmer and Ross—6.

Absent—Messrs. Colvig (on leave), and Davidson—2.

So the bill passed.

Mr. Watt offered S. J. R. No. 9 :

WHEREAS, No report is made to this Legislative Assembly of the arms and munitions of war, owned, in possession of, or for which the State is held liable; and,

WHEREAS, It is understood these arms and munitions of war are distributed and scattered in various parts of the State, and in many instances not in the possession or under

the control of officers authorized by law to care for them; therefore,

*Be it Resolved*, That the Governor be authorized and it is hereby made his duty to require all persons having arms in their possession belonging to the State or for which the State is liable, to report to him without delay, the number, kind and amount of such arms and munitions of war, to the end that proper steps may be taken to secure the same against waste, and the State against loss therefor. ✓

Mr. Watt moved to adopt the resolution; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Cochran, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Ross, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—Messrs. Burnett, Haines and Pennington—3.

Absent—Messrs. Colvig (on leave) and Davidson—2.

So the resolution was adopted.

Mr. Haley moved that the vote by which the Senate refused to take up H. B. No. 35 be reconsidered.

Messrs. Hirsch and George demanded the yeas and nays, and they were accordingly taken, with the following result:

Yeas—Messrs. Bilyeu, Bradshaw, Brown, Burch, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Smith and Waldo—16.

Nays—Messrs. Applegate, Bentley, Burnett, Cochran, Davis, Myers, Pennington, Ross, Thompson, Watt and Mr. President—12.

Absent—Messrs. Colvig (on leave) and Davidson—2.

So the motion prevailed, and H. B. No. 35, a bill for an act to provide for and maintaining the expenses of the

Oregon exhibit at the Centennial Exposition held at Philadelphia, Pennsylvania, in the year 1876, was taken up and read a second time.

Mr. George moved that the rules be suspended, and the bill be read a third time now; pending which, Mr. Myers moved to amend by striking out 3,750 and insert 1,369 in lieu thereof; pending which, Mr. Apperson moved the call of the House.

The President then directed the Clerk to call the roll, and Messrs. Colvig, Davidson and Thompson were absent.

Mr. Apperson moved that the further call of the Senate be dispensed with; which motion prevailed.

The question then being on the adoption of the amendment as offered by Mr. Myers, Messrs. Palmer, Bentley and George demanded the yeas and nays, which were thereupon taken, with the following result:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Brown, Burnett, Myers, Pennington, Ross, Watt and Mr. President—11.

Nays—Messrs. Burch, Cochran, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Palmer, Smith and Waldo—15.

Absent—Messrs. Colvig (on leave), Davidson, Haines and Thompson.

So the amendment was lost.

The vote recurring on the motion of Mr. George to suspend rules and read H. B. No. 35 a third time, the yeas and nays were:

Yeas—Messrs. Bilyeu, Bradshaw, Brown, Burch, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Palmer, Smith and Waldo—15.

Nays—Messrs. Apperson, Applegate, Bentley, Burnett,

Cochran, Davis, Haines, Myers, Pennington, Ross, Watt and Mr. President—12.

Absent—Messrs. Colvig (on leave), Davidson and Thompson—3.

So the motion was lost.

Mr. George moved to order the bill to a third reading to-morrow; upon which question, Messrs. George and Hirsch demanded the yeas and nays to be taken, and they were accordingly taken thereupon with the following result:

Yeas—Messrs. Bradshaw, Brown, Burch, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Smith, Waldo and Mr. President—16.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Burnett, Cochran, Davis, Myers, Pennington, Ross, Watt—11.

Absent—Messrs. Colvig (on leave), Davidson and Thompson—3.

So the bill was ordered to a third reading to-morrow.

Mr. Pennington moved to take up H. B. No. 171; which motion prevailed.

H. B. No. 171, an act to incorporate the town of Weston, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—26.

Nays—None.

Absent—Messrs. Colvig (on leave), Davidson, Palmer and Ross—4.

So the bill passed.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. C. R. No. 17, relating to the passage of bills that have passed one House and may be sent to the other for concurrence at any time except the last day of the session, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

On motion of Mr. Fulton, the resolution was laid on the table.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed the following: H. B's No. 16, 68, 97, 127, 146 and 161, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the above named bills, and soon after announced that he had signed the same.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 18, for an act to amend an act entitled an act to incorporate the city of Albany, approved Oct. 24, 1864, with an amendment which

is attached to the bill, and the concurrence of the Senate is solicited to said House amendment.

W. L. WHITE,  
Chief Clerk.

Mr. Haley moved that the Senate concur in the amendments; which motion prevailed.

Mr. Thompson moved to take up H. B. No. 8, which motion prevailed.

Mr. Thompson asked to have a petition from the people of Dalles City read; which was granted.

H. B. No. 8, a bill for an act to enable the City of Dalles to sell and dispose of a certain tract of land by it purchased, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Apperson, Colvig (on leave), and Palmer—3.

So the bill passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 143, for an act to define the boundary lines between Coos and Curry counties, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE :

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 84, for an act supplemental to and to amend an act entitled an act to incorporate the town of Dallas, in the County of Polk and State of Oregon, approved October 20, 1874, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,

Chief Clerk.

Mr. Bentley moved that H. B. No. 84 be read a first time by title under suspension of rules; upon which question, the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig (on leave), Palmer and Thompson—3.

So the rules were suspended, and the bill was read a first time by title.

Mr. Bentley moved that the rules be further suspended, and the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas — Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Apperson, Colvig (on leave) and Thompson—3.

So the rules were suspended, and the bill was read a second time by title.

Mr. Bentley still further moved to suspend the rules and read the bill a third time now.

Those voting yea were:

Yeas—Messrs. Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Apperson and Colvig (on leave)—2.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig, (on leave), Davis and Palmer—3.

So the bill passed.

The President announced that he had received a communication from the Portland Board of Trade, relating to H. B. No. 121, and the same was read.

Mr. Smith moved to reconsider the vote by which the Senate refused to take up H. B. 159; which motion prevailed.

H. B. No. 159, a bill for an act to incorporate the city of Union, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo and Mr. President—26.

Nays—None.

Absent—Messrs. Colvig (on leave), Davis, George and Watt—4.

So the bill passed.

Mr. Haines moved to take up H. B. No. 6; which motion prevailed.

H. B. No. 6, a bill for an act to be entitled an act to authorize Dalles City to dispose of certain land by it held in trust, and to provide for the disposal of the proceeds thereof, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig (on leave)—1.

So the bill passed.

Mr. Palmer moved that when the Senate adjourn, it adjourn to meet at half-past 6.

Mr. Hirsch moved to amend by saying half-past 7.

Mr. Palmer accepted the amendment, and the motion as amended prevailed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 120, for an act to amend Section 8, 10, 11, 12, 25, 37, 43 and 46 of Chapter 4 of the Miscellaneous Laws of Oregon, pertaining to common schools, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 82, for an act to amend Section 491 of the Civil Code of the State of Oregon, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 16, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 27, for an act to grant the right of way to the North Pacific Railroad Company, through the State of Oregon, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Watt moved to take up H. B. No. 120; which motion prevailed.

Mr. Haines moved to suspend the rules and read H. B. 120 a first time by title. Upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—26.

Nays—Mr. Myers—1.

Absent—Messrs. Colvig (on leave), Palmer and Smith—3.

So the rules were suspended, and H. B. No. 120, a bill for an act to amend Sections 8, 10, 11, 12, 25, 37, 43 and 46 of Chapter 4, of the Miscellaneous Laws of Oregon, pertaining to common schools, was read a first time by title.

Mr. Fulton moved that the rules be further suspended, and the bill be read a second time by title now; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Smith—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. Watt moved to still farther suspend the rules and read the bill a third time now; the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch,

Jasper, Lord, Palmer, Pennington, Ross, Waldo, Watt and Mr. President—26.

Nays—Mr. Myers—1.

Absent—Messrs. Colvig, (on leave), Smith and Thompson—3.

So the rules were suspended, and H. B. No. 120 read a third time. The question then being, "Shall this bill pass?" the yeas and nays were :

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Pennington, Ross, Smith, Waldo, Watt and Mr. President—27.

Nays—Mr. Myers—1.

Absent—Messrs. Colvig (on leave), and Thompson—2.

So the bill passed.

Mr. Fulton moved to adjourn ; which motion was lost.

On motion of Mr. Hirsch, the Senate adjourned.

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### EVENING SESSION.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (absent on leave), Davidson, Haines, Jasper, Palmer and Ross—6.

Mr. Brown moved to take up H. B. No. 143 ; which motion prevailed.

H. B. No. 143, having heretofore been read a first time, Mr. Smith moved to suspend the rules and read the bill a second time by title ; upon which question, the yeas and nays were :



Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Mr. Hirsch—2.

So the rules were suspended, and the bill was read a second time by title.

Mr. Smith moved to further suspend the rules, and read the bill a third time now; upon which question, the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and George—2.

So the rules were suspended, and H. B. No. 143, a bill for an act to define the boundary lines between Coos and Curry counties, was read a third time. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and George—2.

So the bill passed.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. B. No. 18 correctly enrolled.

Mr. Bradshaw moved to take up H. B. No. 110; which motion prevailed.

The bill was on its first reading.

Mr. Bradshaw moved to suspend rules and read by title; the yeas and nays were:

Yeas—Messrs. Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Davidson, Davis, George, Green, Grim, Haley, Jasper, Myers, Palmer, Pennington, Ross, Thompson, Waldo and Mr. President—20.

Nays—Messrs. Apperson, Applegate, Fulton, Haines, Hirsch and Lord—6.

Absent—Messrs. Cochran, Colvig (on leave), Smith and Watt—4.

So the rules were suspended, and the bill was read a first time by title.

Mr. Bradshaw moved to further suspend the rules and read the bill a second time by title; upon which question, the yeas and nays were:

Yeas—Messrs. Bilyeu, Bradshaw, Burch, Burnett, Davidson, Green, Jasper, Myers, Pennington, Smith, Thompson, Waldo and Mr. President—13.

Nays—Messrs. Apperson, Applegate, Bentley, Brown, Davis, Fulton, George, Grim, Haines, Haley, Hirsch, Lord, Palmer, Ross and Watt—15.

Absent—Messrs. Cochran and Colvig (on leave)—2.

So the Senate refused to suspend the rules.

Mr. Palmer moved to take up H. B. No. 76, a bill for an act to amend an act entitled an act to create the county of Lake, and fix the salaries of County Judge and Treasurer, approved October 24, 1874; which motion prevailed.

Mr. Thompson obtained consent of the Senate to have a petition accompanying the foregoing bill read.

Mr. Thompson moved that the rules be suspended, and H. B. No. 76 be read a third time and placed upon its passage now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Green, Lord, Palmer, Thompson, Waldo and Watt—14.

Nays—Messrs. Cochran, Davidson, Davis, Fulton, Grim, Haley, Hirsch, Jasper, Myers, Pennington, Ross, Smith and Mr. President—13.

Absent—Messrs. Colvig (on leave), George and Haines—3.  
So the Senate refused to suspend the rules.

Mr. Thompson moved that the bill be ordered to a third reading to-morrow; which motion prevailed.

Mr. Waldo moved to take up H. B. No. 59, a bill for an act to cure defects in deeds heretofore made to real property that are defective in execution or acknowledgment, etc.; which motion prevailed.

H. B. No. 59, was read a third. The question then being, "Shall this bill pass?" the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—28.

Nays—None.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the bill passed.

Mr. Bentley moved to take up H. B. No. 26, a bill for an act to protect and punish the spread of contagious diseases; which motion prevailed.

H. H. No. 26, was read a second time.

Mr. Applegate moved to further suspend the rules, and read the bill a third time by title; pending which, Mr. Hirsch moved to amend by striking out the word "mumps," in first line of Section 1; which motion prevailed.

Mr. Haines moved to amend by adding after the word "pox," in line 2, Section 1, the words, "or diphtheria;" which motion was lost.

Mr. Burnett moved to amend the bill by inserting after the words "chicken pox," the word "itch."

Mr. Burch moved to amend the amendment by adding, "or any other malady;" which motion was lost.

The question then recurring on the amendment of Mr. Burnett, it was adopted. • •

Mr. Haines moved to amend by striking out all of Section 1 after the word "business" in line 4; which motion prevailed.

Mr. Watt moved to amend by striking out all of Section 1; which motion prevailed.

Mr. Burch moved to strike out in Section 2, line 1, after the word "disease" to and including "act."

Mr. Watt moved to amend the amendment by saying, "small pox, diphtheria or scarlet fever."

Mr. Burch accepted the amendment, and it was adopted.

Mr. Hirsch moved to amend by striking out all after the word "than" in line 4 of Section 2, and insert "not less than fifty dollars nor more than five hundred dollars;" which motion prevailed.

On motion of Mr. Pennington, the bill was indefinitely postponed.

Mr. Smith moved that the Senate do now adjourn; which motion prevailed.

FRIDAY, OCT. 18, 1878.

The Senate met pursuant to adjournment and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Colvig (on leave), Fulton, Ross and Thompson.

Prayer was offered by Rev. Jos. Emery, of Corvallis College.

Mr. Apperson moved that the rules be suspended and that the reading of the Journal of yesterday be dispensed with; upon which question, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig (on leave), Palmer and Mr. Thompson—3.

So the rules were suspended, and the reading of the Journal was dispensed with.

Mr. George moved that the Senate now proceed to the consideration of H. B. No. 35, a bill for an act to provide for the expenses incurred in providing for and maintaining the Oregon exhibit at the Centennial Exposition held at Philadelphia, Pa., in the year 1876; which motion prevailed.

H. B. No. 35 was then read a third time, and the question being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Bilyeu, Bradshaw, Burch, Fulton, George,

Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Palmer, Smith, Thompson and Waldo—16.

Nays—Messrs. Apperson, Applegate, Bentley, Brown, Burnett, Cochran, Davidson, Davis, Myers, Pennington, Ross, Watt and Mr. President—13.

Absent—Mr. Colvig (on leave)—1.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
SALEM, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. B. No. 21, H. B. No. 130, H. B. No. 134, H. B. No. 135, and H. J. R. No. 12, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the bills and joint resolution named in the foregoing message, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
SALEM, Oregon, Oct. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 74, for an act to amend an act entitled "an act providing for private corporations, and the appropriation of private property therefor," approved October 14, 1862, etc.

Also, S. B. No. 117, for an act to prevent the spreading of infectious and contagious diseases among sheep, and the same are herewith returned to the Senate for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 56, a bill for an act for the relief of John Flanigan, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 63, for an act to provide for liens for laborers, common carriers and other persons on personal property, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 13, authorizing the committee under H. C. R. No. 8, to investigate the various offices and departments of the State government from September 1, 1870, to September 1, 1878, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 13 was read.

Mr. Grim moved that the Senate concur therein. Pending which, on motion of Mr. Haines the resolution was referred to the Judiciary Committee.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 1, for an act to amend Section 20 of Title 1 of Chapter 7 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 90, for an act to amend Sections 5, 17 and 22 of Title 1 of Chapter 7, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE GOVERNOR.

STATE OF OREGON,  
EXECUTIVE OFFICE,  
SALEM, Oct. 18, 1878. }

*To the Honorable, the President of the Senate :*

I am directed by the Governor to inform you that he has approved and signed S. B. No. 13, an act to incorporate the town of Lafayette, in Yamhill county, Oregon.

S. B. No. 48, an act to provide for the payment of claims arising out of the Indian wars in 1877 and 1878.

S. B. No. 27, an act to provide for the election of Supreme and Circuit Judges in distinct classes.



S. B. No. 53, an act to amend an act passed by the Legislature of the State of Oregon, October 9, 1874, to incorporate the town of Gervais, in Marion county, Oregon.

H. B. No. 10, an act to prohibit the employment of Chinese laborers on the improvement of streets and public works in this State.

H. B. No. 18, an act to protect the stock-growing interests of the State of Oregon.

H. B. No. 37, an act for the protection of public bridges, and to regulate travel over the same.

H. B. No. 54, an act to define the boundary lines of Baker county and of Grant county, and to provide for a survey of the line between Baker and Grant counties.

H. B. No. 136, an act to extend the time in which the counties of Grant, Umatilla and Baker shall be required to transmit copies of their assessment rolls to the Secretary of State.

H. B. No. 31, an act to amend an act entitled "An act to incorporate the town of Jacksonville," approved October 19, 1860.

H. B. No. 34, an act to incorporate the town of Lebanon, Linn County, State of Oregon.

H. B. No. 58, an act to amend Sections 4 and 17 of Chapter 1 of the Code of Civil Procedure, relating to the time for the commencement of actions to recover possession of real property.

H. B. No. 65, an act to regulate the duties of directors of school districts in the purchase of reference works and apparatus for the schools in their districts.

H. B. No. 119, an act to appropriate money for the payment of the mileage and *per diem* and other necessary ex-

penses of the Legislative Assembly, and to provide funds for that purpose.

H. B. No. 129, an act to provide for the completion of the State Capitol building.

H. B. No. 16, an act to amend Section 378, Title 5 of Chapter 5, of the Civil Code of Oregon.

H. B. No. 161, an act to incorporate the town of Oakland.

H. B. No. 97, an act for the support of the State University.

H. B. No. 127, an act to amend an act entitled "An act to provide a Board of Canal Commissioners for the Canal and Locks at the Willamette Falls," and that the same have been filed in the office of Secretary of State.

O. F. PAXTON,  
Private Secretary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 17, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed H. B. No. 183, for an act to provide for the ordinary expenses of the State Government, and general and specific appropriations, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. B. No. 183 was read a first time.

Mr. Haines moved that the rules be suspended, and that the bill be read a second time by title now; upon which question, the yeas and nays were:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brow, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper,

Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—29.

Nays—None.

Absent—Mr. Colvig (on leave)—1.

So the bill was read a second time by title.

Mr. Hirsch moved that the Senate adjourn; which motion prevailed.

### AFTERNOON SESSION.

The Senate met at the usual hour, and was called to order by the President.

The roll was called, and all the Senators were present except Messrs. Bradshaw, Colvig (on leave) and Ross.

With the unanimous consent of the Senate, Mr. Cochran submitted the following report from the Committee on Ways and Means, on the compensation of clerks and other officers of the Senate:

#### REPORT:

SENATE CHAMBER,  
SALEM, Oct. 17, 1878. }

*Mr. President*—The joint committee consisting of the Ways and Means Committees of the two houses, being directed by resolution to report to their respective houses the per diem to be allowed the clerks and officers thereof, have had the same under consideration, and the committee on the part of the Senate respectfully submit the following:

Chief Clerk, per diem.....	\$ 8 00
Assistant Clerk, per diem .....	6 00
Reading Clerk, per diem.....	6 00
Engrossing Clerks, per diem .....	5 00
Enrolling Clerks, per diem.....	5 00

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Sergeant-at-Arms, per diem.....	\$ 4 00
Door-Keeper, per diem.....	4 00
Clerk of Judiciary Committee, per diem.....	5 00
Pages, each House, per diem.....	3 00
Assistant Engrossing Clerks, per diem.....	5 00
Assistant Enrolling Clerks, per diem.....	5 00
Short-hand reporter for Printing Committee, per diem.	10 00
Short-hand reporter for Swamp Land Committee, per diem .....	10 00
Clerks Investigating Committees:	
Penitentiary Committee, per diem.....	5 00
War Claims Committee, per diem.....	5 00
Swamp Land Committee, per diem.....	5 00
Treasury Committee, per diem.....	5 00
Printing Committee, per diem.....	5 00
Insane Asylum Committee.....	3 00

R. B. COCHRAN,

Chairman.

Mr. Cochran moved the adoption of the report.

Pending which, Mr. Haines moved to amend the report so as to allow the Clerk to the Joint Committee to visit the Insane Asylum \$5 per day; which motion was lost.

Mr. Palmer moved to amend the report so as to allow the Sergeant-at-Arms and Doorkeeper \$5 per day each; which motion prevailed.

Mr. Haines moved further to amend the report so as to allow per diem, mileage and expenses of members of Joint Committees appointed to visit the Insane Asylum and other institutions away from the Capital; which motion was lost.

The report as amended was then adopted.

Mr. Hirsch, offered the following resolution:

*Resolved*, That the Chief Clerk and Assistant Clerk be

allowed ten days' extra time in which to finish up the Journal.

On motion of Mr. Hirsch, the resolution was adopted.

By unanimous consent, Mr. Burnett submitted the following report on H. J. R. No. 13.

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 18, 1878. }

*Mr. President*—Your Committee on Judiciary, to whom was referred H. J. R. No. 13, authorizing the committee under H. C. R. No. 8 to investigate the various officers and departments of the State government from Sept. 1, 1870, to Sept. 1, 1878, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and recommend that the resolution pass as amended.

First—Strike out the figures “1870,” in line 7, and insert in lieu thereof “1866.”

Second—Add after the word “officer,” in the last line of the resolution, the following: “*Provided*, That any person against whom charges are made, shall have the right to appear before said committee in person and by counsel.”

Respectfully submitted, JOHN BURNETT,  
Chairman.

Mr. Burnett moved the adoption of the first amendment; which motion prevailed.

Mr. Smith moved the adoption of the second amendment; which motion prevailed.

Mr. Haines moved further to amend H. J. R. No. 13 by striking out the 2d and 3d lines to the word “be,” inclusive, and inserting in lieu thereof the following: “That the Governor appoint a committee of three persons, not members of

the Legislature;" upon which question, Messrs. Apperson and Watt demanded the yeas and yeas, and they were accordingly taken, with the following result:

Yeas—Mr. Haines and Mr. President—2.

Nays—Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo and Watt—26.

Absent—Messrs. Colvig (on leave), and Palmer—2.

Mr. Smith moved to amend H. J. R. No. 13 by increasing the number of the committee to three on the part of the Senate and three on the part of the House; which motion was lost.

Mr. Haines moved to amend the resolution by striking out all after the word "concurring" and inserting in lieu thereof the following: "That the Governor refer all the reports of the investigating committees of this session to the Grand Jury of Marion County;" which motion was lost.

The question then recurring on the adoption of the resolution, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Burnett, Cochran, Davidson, Davis, Fulton, George, Green, Grim, Jasper, Lord, Pennington, Smith, Thompson, Waldo, Watt and Mr. President—19.

Nays—Messrs. Bilyeu, Bradshaw, Brown, Burch, Haines, Haley, Hirsch, Myers and Ross—9.

Absent—Messrs. Colvig (on leave) and Palmer—2.

So the resolution was concurred in.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 1, and S. B. No. 56 correctly enrolled.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 18, H. B. No. 59, H. B. No. 84, H. B. No. 172 and H. B. No. 171, and the same are herewith transmitted for your signature. W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the bills named in the foregoing message, and shortly afterwards announced that he had signed the same.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. B. No. 35, and the same is herewith transmitted for your signature. W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. B. No. 35, and shortly afterwards announced that he had signed the same.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that His Excellency, the Governor of Oregon, has this day returned to the House H. B. No. 70, for the erection of a fish-way or ladder at the falls of the Willamette, vetoing the same, and the House failed to pass the bill over the Governor's veto. Very respectfully,

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 66, for an act to define the duties and fix the compensation of the State Printer, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 135, for an act authorizing the Governor to contract for the keeping of the insane and idiotic, and to amend Sections 3 and 11 of an act entitled an act to provide for the safe keeping and treatment of insane and idiotic persons, approved September 27, 1862, and Section 1 of an act entitled an act to amend an act entitled an act to provide for the safe keeping and treatment of insane and idiotic persons, approved September 27, 1862, approved October 22, 1864, the same being Sections 4, 5 and 12 of Chapter 26 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, and to repeal Sections 14, 15, 16 and 17 of said Chapter 26 of said Miscellaneous Laws, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform



you that the House has concurred in the adoption of S. C. R. No. 21, fixing the time for the adjournment *sine die* of the two Houses, and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that His Excellency, the Governor, has returned H. B. No. 68, H. B. No. 71 and H. B. No. 146, vetoing the same, with his objections thereto.

Very respectfully,  
W. L. WHITE,  
Chief Clerk.

The Senate, by unanimous consent, resumed the consideration of H. B. No. 183, a bill for an act to provide for the ordinary expenses of the State government, and other general and specific appropriations.

Mr. Fulton moved that the rules be suspended, and that the bill be read a third time now; pending which, Mr. Lord moved to amend the bill by inserting \$1,000 in place of \$500, for attorney fees in canal cases; which motion was lost.

Mr. Hirsch moved to amend Section 3 by striking out \$10,000, in line 14, printed bill, and inserting \$18,000, to-wit: \$10,000 for the mute school and \$8,000 for the blind school; which motion was lost.

Mr. Myers moved to amend Section 3 by striking out "Orphans' Aid Society, \$3,000;" which motion was lost.

Mr. Hirsch moved to amend Section 3 by adding thereto the following: "For the procuring of a suitable safe for the State Treasurer's office in the place of the one there at pres-

ent, which, owing to its unsafe condition, is insufficient for for the public service, the Secretary of State is authorized to spend one thousand dollars in addition to whatever amount can be realized from the old safe;" which motion was lost.

Mr. Cochran moved to amend the bill by striking out the sum of \$3,600 allowed for salary of Superintendent of the Penitentiary; which motion was lost.

Mr. Hirsch moved to amend Section 5 by striking out in line 4, "\$15,000," and inserting in lieu thereof "\$18,000;" which motion was lost.

Mr. Hirsch moved to amend the bill by striking out Section 15; which motion was lost.

Mr. Hirsch moved to amend the bill by striking out line 20 in Section 15; which motion was lost.

The question then recurring on the motion to suspend the rules, and read the bill a third time now, the yeas and nays were as follows:

Yeas—Messrs. Apperson, Bentley, Bilyen, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Pennington, Ross, Smith, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Applegate, Colvig, (on leave), George, Palmer and Thompson—5.

So the rules were suspended, and the bill was read a third time. The question then being, "Shall the bill pass?" the yeas and nays were as follows:

Yeas—Messrs. Apperson, Applegate, Bentley, Bilyen, Bradshaw, Brown, Burch, Burnett, Cochran, Davidson, Davis, Fulton, Green, Grim, Haines, Haley, Hirsch, Jasper,

Lord, Myers, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—27.

Nays—None.

Absent—Messrs. Colvig, (on leave), George and Palmer—3.  
So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 112, for an act to regulate the salaries of County Judges in the State of Oregon, by amending the same as follows:

Amend by striking out after the words "Columbia county," the word "two," and inserting the word "three" in lieu thereof, and the same is herewith returned, and the Senate is respectfully requested to concur in said House amendment.

W. L. WHITE,  
Chief Clerk.

On motion of Mr. Smith, the Senate concurred in the amendment.

MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in Senate amendments to H. J. R. No. 13, authorizing the committee under H. C. R. No. 8 to investigate the various affairs and departments of the State Government from September 1, 1870 to September 1, 1878.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 56 and S. B. No. 1, and the same are herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. B. No. 56, and S. B. No. 1, and shortly after announced that he had signed the same.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 25, for an act to amend Sections 1041 and 1042 of Title 8, Chapter 14, of the Civil Code, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 111, for an act to amend Section 3 of an act for the further organization of the Agricultural College and provide for the support of the same, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

Mr. Palmer, Chairman of the Committee on Enrollments, reported S. B's No. 117 and 90 correctly enrolled.

Mr. Smith offered the following S. R., No. 24:

*Resolved by the Senate*, That the Clerk of the Senate be and he is hereby authorized to certify to the Secretary of State the number of days and mileage of Senators while employed on any special committee of investigation away from the Capital, and the amount of per diem and mileage shall be three dollars per day, and fifteen cents per mile actually traveled.

Mr. Haines moved to adopt the resolution; pending which, Mr. Burch moved to amend by adding 25 cents as barber bill; which motion prevailed.

The vote then recurring on the adoption of the resolution as amended, the motion was lost.

Mr. Thompson moved to take up H. B. No. 76; which motion was lost.

Mr. Pennington moved to take up H. B. No. 27, a bill for an act to grant the right of way to the North Pacific Railroad Company through the State; which motion prevailed.

H. B. No. 27, was read a first time.

Mr. Pennington moved that the rules be suspended, and the bill be read a second time now; pending which, Mr. Smith moved the call of the Senate; which motion prevailed.

The roll was called and Messrs. Apperson, Colvig (on leave), Palmer and Thompson were absent.

Mr. Bentley moved that the further call of the Senate be dispensed with; which motion prevailed.

The vote then recurring on the motion to suspend the rules and read H. B. No. 27 a second time, the yeas and nays were:

Yeas—Messrs. Bentley, Burnett, Cochran, Davidson, Ful-

ton, George, Green, Grim, Haley, Hirsch, Jasper, Lord, Pennington, Ross, Waldo and Mr. President—16.

Nays—Messrs. Applegate, Bilyeu, Bradshaw, Brown, Burch, Davis, Haines, Myers, Smith and Watt—10.

Absent—Messrs. Apperson, Colvig (on leave), Palmer and Thompson—4.

So the Senate refused to suspend the rules.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 138, for an act to amend Section 539, Title 11, Chapter 11, of the Code of Civil Procedure, relating to libel, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

Mr. Palmer, Chairman of the Committee on Enrolled Bills, reported S. B. No. 74 correctly enrolled.

Mr. Hirsch moved to take recess until five o'clock; which motion prevailed.

AFTER RECESS.

The Senate was called to order by the President.

The following message from the House was read :

MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 21, for an act directing and empowering the State Treasurer to redeem certain

outstanding bonds of this State, and the same is herewith transmitted for enrollment.

W. L. WHITE,  
Chief Clerk.

Mr. Cochran, Chairman of the Committee on Ways and Means, submitted the following

REPORT:

SENATE CHAMBER,  
SALEM, Oct. 18, 1878. }

*Mr. President*—The Committee of Ways and Means beg leave to report, that in accordance with Senate Resolution No. —, requiring said committee to cause a computation of interest due and remaining unpaid on outstanding State warrants drawn on the general fund, for which special tax is levied, that we employed the Assistant Treasurer, A. F. Wheeler, and John Hackleman to make said computation, who report to us that the total amount of said interest is \$86,590 92; said Wheeler and Hackleman were each employed one day in making computation, and the committee recommend they be paid \$5 each therefor.

R. B. COCHRAN,  
Chairman.

On motion of Mr. Myers, the report was adopted.

On motion of Mr. Haley, the Senate took a recess until half past 7 o'clock.

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EVENING SESSION.

The Senate met at 7 o'clock P. M., and was called to order by the President.

Mr. Burch moved to reconsider the vote by which the

Senate refused to suspend the rules and read H. B. No. 27 a second time; which motion was lost.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 63, S. B. No. 111 and S. B. No. 112 correctly enrolled.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B's No. 90 and 117, and the same are herewith returned for your signature.

Also, that he has signed House Bills numbered 8, 6, 143, 120 and 159, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the bills mentioned in the foregoing message, and shortly afterwards announced that he had signed the same.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 38 correctly enrolled.

Mr. George moved that the Senate now take up and consider H. B. No. 32.

The President decided that the motion was not in order, for the reason that a similar proposition had already been negatived by the Senate.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 14, proposing



certain amendments to the Constitution, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 14 was read.

Mr. Hirsch moved to lay the resolution on the table; which motion was lost.

Mr. Smith moved that the Senate concur therein. Pending which, Mr. Haines moved to amend the resolution by striking out the words "four dollars" and inserting the word "nothing" in lieu thereof; upon which question, Messrs. Haines and Fulton demanded the yeas and nays, and they were taken accordingly with the following result:

Yeas—Messrs. Bentley, Davidson, Davis, Fulton, Haines, Haley, Hirsch, Palmer, Ross, Thompson and Waldo—11.

Nays—Messrs. Apperson, Applegate, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Green, Grim, Jasper, Lord, Myers, Pennington, Smith, Watt and Mr. President—17.

Absent—Messrs. Colvig (on leave) and George—2.

So the amendment was lost.

The question then recurred on the adoption of the resolution. Pending which, by unanimous consent, the following messages were received and read:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. B. No. 183, and H. J. R. No. 13, and the same are herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. B.

No. 183 and H. J. R. No. 13, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B's No. 74, 111, 63, 112 and 138, and the same are herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the bills named in the foregoing message, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 15, asking an appropriation for the University building, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption of S. C. R. No. 19, tendering the thanks of the State to H. N. Moseley, Esq., F. R. S. and Fellow of Exeter College, Oxford, for his late work about Oregon, and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

The Senate resumed the consideration of H. J. R. No. 14.

Mr. Burnett moved to amend the resolution by striking out the words "four dollars," and inserting in lieu thereof, "five dollars in fiat money."

Mr. Haines moved to amend the amendment by striking out the words "in fiat money;" which motion was lost.

A vote was then taken on the amendment, and it was lost.

The question then recurred on the adoption of the resolution; pending which, by unanimous consent, the following messages and report were read :

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 23, for an act defining the rights and fixing the liabilities of married women, and the relation between husband and wife, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 61, for an act to amend Sections 155 and 273 of the Code of Civil Procedure of the State of Oregon, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 21 correctly enrolled.

The Senate resumed the consideration of H. J. R. No. 14, and the question being on the motion to concur in the resolution, the yeas and nays were taken, with the following result :

Yeas — Messrs. Apperson, Applegate, Bentley, Bilyeu, Bradshaw, Burch, Burnett, Cochran, Green, Grim, Jasper, Myers, Pennington, Ross, Smith, Waldo and Watt—17.

Nays—Messrs. Brown, Davidson, Davis, Haines, Haley, Hirsch, Lord and Mr. President—8.

Absent—Messrs. Colvig (on leave), Fulton, George, Palmer and Thompson—5.

So the resolution was concurred in.

H. J. R. No. 15, relating to the undrawn balance of appropriation for University building, was read.

Mr. Cochran moved that the Senate concur therein ; pending which, on motion of Mr. Apperson, a call of the Senate was ordered.

The roll was called, and it was ascertained that all the Senators were present except Mr. Colvig (on leave) and Messrs. Applegate, Haines, Palmer and Thompson.

On motion of Mr. Apperson, further proceedings under the call were dispensed with.

The question then being on the motion to concur in H. J. R. No. 15, the yeas and nays were :

Yeas—Messrs. Apperson, Bentley, Bilyeu, Burch, Burnett, Cochran, Davis, Fulton, George, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Waldo, Watt and Mr. President—23.

Nays—Messrs. Bradshaw, Brown and Watt—3.

Absent—Messrs. Applegate, Colvig, (on leave), Davidson and Thompson—4.

So the joint resolution was concurred in.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B's Nos. 66, 25 and 61 correctly enrolled.

Mr. Smith offered S. C. R. No. 24:

*Resolved by the Senate, the House concurring:*

That a committee of three on the part of the Senate and a like committee on the part of the House, be appointed to examine and destroy, if in their judgment they would be warranted in so doing, forty bounty bonds in the Treasurer's office, issued in 1866, and uncalled for by the persons to whom they were issued.

Mr. Smith moved the adoption of the resolution.

After some discussion, Mr. Smith, with the consent of the Senate, withdrew the resolution.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 135 correctly enrolled.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 21, and the same is herewith returned for your signature. W. L. WHITE.

Chief Clerk.

The President announced that he was about to sign S. B. No. 21, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 101, for an act to authorize foreign corporations to do business and exercise

their corporate powers within the State of Oregon, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 32, for an act to amend Section 986 of the Code of Civil Procedure, as compiled in the General Laws of Oregon by M. P. Deady and Lafayette Lane, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 25, S. B. No. 61, S. B. No. 66 and S. B. No. 135, and the same are herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign the bills named in the foregoing message, and shortly afterwards announced that he had signed the same.

MESSAGE FROM THE GOVERNOR.

STATE OF OREGON,  
EXECUTIVE OFFICE,  
SALEM, Oct. 18, 1878. }

*To the Honorable, the President of the Senate :*

I am directed by the Governor to inform you that he has

approved and signed S. B. No. 9, an act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors.

S. B. No. 18, an act to amend an act entitled "an act to incorporate the city of Albany," approved October 24, 1864.

S. B. No. 56, an act for the relief of John Flanigan.

S. B. No. 1, an act to amend Section 20 of Title 1 of Chapter 7 of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane.

H. B. No. 120, an act to amend Sections 8, 10, 11, 12, 25, 34, 37, 43 and 46 of Chapter 4 of the Miscellaneous Laws of Oregon, pertaining to common schools.

H. J. R. No. 12.

H. B. No. 134, an act to repeal Sections 8 and 9 of Chapter 1, Title 2, of the Miscellaneous Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane.

H. B. No. 35, an act to provide for the expenses incurred in providing for and maintaining the Oregon exhibit at the Centennial Exposition, held at Philadelphia, Pennsylvania, in the year 1876.

H. B. No. 130, an act to authorize the construction of a bridge on the Willamette river, between the City of Portland and the City of East Portland, in Multnomah County, State of Oregon, and that the same have been filed in the office of the Secretary of State.

O. F. PAXTON,  
Private Secretary.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 82, for an act to re-

peal an act entitled "An act to authorize Jacob Fleischner to establish water works in the City of Albany," approved October 21, 1876, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption of S. J. R. No. 1, asking for a modification of the so-called Burlingame treaty, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 32 correctly enrolled.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has concurred in the adoption of S. J. M. No. 6, asking an appropriation for the improvement of the lower Columbia and lower Willamette rivers, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. J. R. No. 15 and H. J. R. No.



14, and the same are herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. J. R. No. 14 and H. J. R. No. 15, and shortly afterwards announced that he had signed the same.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 82 correctly enrolled.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted H. J. R. No. 16, authorizing the publication of the amended school laws in pamphlet form, and the same is herewith transmitted for the consideration of the Senate.

W. L. WHITE,  
Chief Clerk.

H. J. R. No. 16 was read.

Mr. Haines moved that the Senate concur therein; upon which question, the yeas and nays were taken with the following result:

Yeas—Messrs.—Apperson, Bentley, Bilyeu, Bradshaw, Brown, Burch, Burnett, Cochran, Davis, Green, Grim, Haines, Haley, Hirsch, Jasper, Lord, Myers, Palmer, Pennington, Ross, Smith, Thompson, Waldo, Watt and Mr. President—25.

Nays—None.

Absent—Messrs. Colvig (on leave), Davidson, Applegate, Fulton and George—5.

So the joint resolution was concurred in.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 32, and the same is herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The president announced that he was about to sign S. B. No. 32, and shortly afterwards announced that he had signed the same.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. B. No. 23 correctly enrolled.

Mr. Hirsch offered S. R. No. 25:

*Resolved*, That the thanks of the Senate be and the same are hereby tendered to the Hon. John Whiteaker, the President of the Senate, for the able, impartial, prompt and courteous manner in which he has discharged the duties of the President of the Senate of the present session, and that in the new and important official position to which he has been called by the suffrages of the people, as Representative in Congress, we predict for him an honorable and influential career.

On motion of Mr. Hirsch, the resolution was adopted.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 82, and the same is herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. B. No. 82, and shortly afterwards announced that he had signed the same.

Mr. Apperson offered S. R. No. 26:

*Resolved*, That the thanks of the Senate are hereby tendered to the officers of the the Senate for their industry and faithfulness in the discharge of their respective duties.

On motion of Mr. Apperson, the resolution was adopted.

Mr. Watt offered S. C. R. No. 25:

*Resolved by the Senate the House concurring*:

That a committee consisting of two on the part of the Senate and three on the part of the House be appointed to wait upon His Excellency, Gov. W. W. Thayer, and inform him that the Legislature of the State of Oregon, the tenth biennial session, is now about to adjourn, and ascertain if he has any further communication to make to the Senate and House of Representatives.

On motion of Mr. Watt, the resolution was adopted.

The President appointed as such committee on the part of the Senate, Messrs. Watt and Pennington.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. J. R. No 12, and the same is herewith transmitted for your signature. W. L. WHITE,

Chief Clerk.

The President announced that he was about to sign H. J. R. No. 12, and shortly afterwards announced that he had signed the same.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. J. M. No. 6 correctly enrolled.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has passed S. B. No. 6, and the same is herewith returned for enrollment.

W. L. WHITE,  
Chief Clerk.

Mr. Palmer, from the Committee on Enrolled' Bills, reported S. B. No. 101 correctly enrolled.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed H. J. R. No. 16, and the same is herewith transmitted for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign H. J. R. No. 16, and shortly afterwards announced that he had signed the same.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. B. No. 23, and the same is herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. B. No. 23, and shortly afterwards announced that he had signed the same.

## MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that the House has adopted S. C. R. No. 25, relating to appointment of committee to wait on the Governor, etc., and the Speaker has appointed as such committee on the part of the House, Messrs. Thompson, Webdell and Stratton, and the same is herewith returned to the Senate.

W. L. WHITE,  
Chief Clerk.

Mr. Watt, from the Joint Committee appointed under S. C. R. No. 25 to wait on the Governor, reported that the committee had performed that duty, and that the Governor had informed them that he had no further communication to make.

On motion of Mr. Thompson, H. B. No. 115 was taken up for consideration.

Mr. Burnett moved that the bill be amended by inserting the word "scrub" before the word "bull," whenever it occurred in the bill. Pending which, the following message and report were read by unanimous consent.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform you that he has signed S. J. M. No. 6, S. B. No. 101, and the same are herewith returned for your signature.

W. L. WHITE,  
Chief Clerk.

The President announced that he was about to sign S. J.

M. No. 6 and S. B. No. 101, and shortly afterwards announced that he had signed the same.

Mr. Palmer, from the Committee on Enrolled Bills, reported S. J. M. No. 1 correctly enrolled.

The Senate resumed consideration of the amendment offered by Mr. Burnett to H. B. No. 115. A vote was taken thereon, and the amendment was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
SALEM, Oregon, Oct. 18, 1878. }

*Mr. President*—I am directed by the Speaker to inform that he has signed S. J. M. No. 1, and the same is herewith returned for your signature.

W. L. WHITE.

Chief Clerk.

The President announced that he was about to sign S. J. M. No. 1, and shortly afterwards announced that he had signed the same.

The hour having arrived which was fixed by concurrent resolution for the final adjournment of the two Houses, the President, after a few appropriate remarks, declared the Senate of the Tenth Regular Session of the Legislative Assembly of the State of Oregon adjourned without day.

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CHIEF CLERK'S CERTIFICATE.

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SENATE CHAMBER,  
SALEM, Oct. 25, 1878. }

I, SYL. C. SIMPSON, Chief Clerk, hereby certify that the foregoing is a correct Journal of the proceedings of the Senate of the Tenth Regular Session of the Legislative Assembly of the State of Oregon, from the 9th day of September to the 18th day of October, 1878, inclusive.

SYL. C. SIMPSON,  
Chief Clerk of the Senate.





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